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From the Editor:

In this issue . . .

EVERETT C. LADD examines the 1992 U.S. presidential election. He argues that Bill Clinton's defeat of George Bush resulted from an unusual combination of short-term forces, rather than from shifts in partisan attachments across the electorate or from changed views on the proper course of public policy.

MICHAEL X. DELLI CARPINI and ESTER FUCHS give a brief overview of why women had been excluded from voting and office holding. They then examine the recent successes by women in the political process, culminating in the election of forty-seven women in the U.S. House of Representatives and five new women senators.

FRANK J. MACCHIAROLA and JOSEPH G. DIAZ look at the recent redistricting for New York City's fifty-one member City Council in light of the requirements of the federal Voting Rights Act. They analyze the sharp competition that developed among minority groups and resulted in the council having, by far, the largest number of Afro-Americans and Latinos in its history.

RONALD W. PRUESSEN suggests renewed emphasis on the study of history as one way of coping with the disorientation that can come in the wake of the cold war's end. He examines the purported thaw in the cold war after Joseph Stalin's death and argues that it provides insights for dealing with the end of the cold war today.

THEDA SKOCPOL shows how competitive party politics in late nineteenth-century America led to the rapid expansion of benefits for Civil War veterans. She finds the roots of the American welfare state in these early pensions.

DOUGLAS CAMP CHAFFEY analyzes the development of a right to privacy in Canadian law, which parallels that in the United States. He concludes that the 1982 Charter Rights and Freedoms, plus growing concern in Canada over invasions of privacy, are largely responsible for this rapid development.

HOWARD P. LEHMAN discusses the critical debt rescheduling agreement between Brazil and its international creditors by using a modified model of strategic interaction. He concludes that each side has significant power resources that shape the final debt agreement and that this model is more accurate than a rigid game theoretic model.

DEMETRIOS CARALEY

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hursday Morning

ANEL ONE

MERICAN PRESIDENTIAL EMOCRACY
[ODERATOR: Demetrios Caraley
EADOFF SPEAKER: Theodore Lowi
THER PANELISTS: James Sundquist, ill Green, and Jennifer Hochschild
PEN FORUM FOR QUESTIONS

hursday Afternoon

ANEL TWO
'ALIAN PARLIAMENTARY EMOCRACY
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PEN FORUM FOR QUESTIONS

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PANEL THREE

BRITISH PARLIAMENTARY DEMOCRACY
MODERATOR: Ira Katznelson
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OTHER PANELISTS: Gillian Peele, James Christoph
OPEN FORUM FOR QUESTIONS

Friday Afternoon

PANEL FOUR
COMPARATIVE STRENGTHS AND WEAKNESSES
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The 1992 Vote for President Clinton: Another Brittle Mandate?

EVERETT CARLL LADD

Three decades ago, Angus Campbell and his colleagues, acknowledging a debt to V. O. Key, Jr., classified U.S. presidential elections as three basic types: maintaining, deviating, and realigning.[1] With one large amendment, this scheme seems to me to provide a useful way of locating the 1992 presidential contest. With incumbent President George Bush losing to Democratic challenger Bill Clinton by 5.5 percentage points in the popular vote, the election was evidently not maintaining. But with little happening to the mix of party identification, the alignment of social groups, or the configuration of policy preferences, neither was it realigning. It can, however, be thought of as deviating. The prevailing balance of power in presidential electioneering was rocked by short-term demands for change strong enough to give the out-of-power party control of the Executive Branch for the first time in a dozen years. The success of Ross

[1] See Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York: John Wiley, 1960), 531–38; and Campbell et al., *Elections and the Political Order* (New York: John Wiley, 1966), 63–67. The authors defined a maintaining election as one in which "the pattern of partisan attachments prevailing in the preceding period persists, and the majority party wins the presidency." In contrast, a realigning election is one where "the basic partisan commitments of a portion of the electorate change, and a new party balance is created." See also James L. Sundquist, "Needed: A Political Theory for the New Era of Coalition Government in the United States," *Political Science Quarterly* 103 (Winter 1988-89): 613–635; Demetrios Caraley, "Elections and Dilemmas of American Democratic Governance: Reflections," *Political Science Quarterly* 104 (Spring 1989): 19–40.

EVERETT C. LADD teaches political science at the University of Connecticut and is executive director of the Roper Center for Public Opinion Research. He is the author of numerous books and articles on parties and elections. This article is the fourth in a series of analyses on presidential elections beginning with "The Brittle Mandate: Electoral Dealignment and the 1980 Presidential Election," which appeared in the Spring 1981 *Political Science Quarterly*.

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Perot's candidacy—which gained 19 percent of the popular vote and may well have tipped the election—also stamps the 1992 contest as a deviating case.

"In a deviating election," Campbell and his colleagues wrote, "the basic division of party loyalties is not seriously disturbed, but the influence of short-term forces on the vote is such that it brings about the defeat of the majority party."[2] For some time now, of course, the United States hasn't had such a majority. The weakening of voter loyalties to political parties, sometimes called dealignment, is at a point where the old model—which assumed that one party or another would normally enjoy a clear, persisting national advantage—does not apply. In part as a result of conditions stemming from dealignment, presidential and congressional voting have been showing markedly different patterns. If one were looking only at the make-up of Congress, one would have to describe the Democrats as the majority. But—the 1992 results notwithstanding—presidential balloting of the past quarter-century has shown the Republicans advantaged.[3]

The 1992 contest didn't result in the defeat of a majority party. Still, the incumbent party, which has been ascendant in recent presidential contests, did lose—as a result of short-term forces rather than in response to shifts in the structure of groups' political loyalties or a sea turn in the public's expectations about the proper course of public policy. Four years ago, in these pages, I described the 1988 results as indicating a continuation of the post-New Deal system. This same assessment applies to the 1992 election. For all their concern about the performance of the country's economy and political institutions, Americans issued a call better understood in terms of restoration than of change. Furthermore, the results attest to the durability of previously-set partisan and electoral transformations. The distinctive parties and elections system that took form in stages from the mid-1960s through the mid-1980s remained in place in 1992, dictating many features of the competition. Even in its deficiencies, the contemporary system is now commonplace.

"We Didn't Break the GOP Electoral Lock—We Just Picked It"

George Bush entered the 1992 campaign with assets seemingly sufficient to secure his reelection. But a variety of elements came together to turn the political environment adverse to him. Despite the scope of the reversal that brought Bush

[2] Campbell, et al., *Elections and the Political Order*, 69.

[3] I have discussed these developments and their sources at length in other publications. See, for example, "The 1988 Election: Continuation of the Post-New Deal System," *Political Science Quarterly* 104 (Spring 1989): 1–18; "Like Waiting for Godot: The Uselessness of 'Realignment' for Understanding Change in Contemporary American Politics" in Byron E. Shafer, ed., *The End of Realignment? A Trophy of a Concept and Death of a Phenomenon* (Madison: University of Wisconsin Press, 1991), chap. 2; and "Political Parties, 'Reform,' and American Democracy" in John Kenneth White and Jerome M. Mileur, eds., *Challenges to Party Government* (Carbondale: Southern Illinois University Press), chap. 1.

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down electorally just twenty months after he had appeared dominant, the 1992 election was a quiet one in terms of the underlying electoral alignment. The Democrats did relatively better in presidential voting, of course, than they had in the three previous elections, but not because they had found a key to electoral realignment. As Clinton strategist James Carville acknowledged, "We didn't break the GOP electoral lock on the White House—we just picked it."[4]

The Democrats dominated presidential politics on the playing field that the New Deal configured—the only time since the age of Andrew Jackson that they have managed to do so. The alignment of social groups and the governing philosophy they adopted under Franklin D. Roosevelt's leadership found majoritarian support. In stages, the New Deal playing field was greatly reconfigured.[5]

Many of the shifts were gradual. For example, the South, a decisive element in the Democratic coalition for much of U.S. history, began drifting away from it in 1948, when the national Democratic party changed course on civil rights. This regional realignment continued over several decades, moving fastest in presidential voting, more slowly in local contests. By the Reagan years, the South's long journey had progressed to the point that the region was the Republicans' most secure base in presidential contests. This status was reaffirmed in 1992. Even though the Democrats, for the first time ever, nominated a ticket in which both members hailed from states of the old Confederacy (and independent Ross Perot came from the South as well), George Bush enjoyed his best performance in the region. It was the only section of the country where he gained a plurality of the popular vote. In an off year nationally, the GOP picked up two U.S. Senate seats in Dixie.

Familiar Patterns in Ethnic and Religious Group Voting

The ethnocultural make-up of the 1992 vote followed the outline of recent elections, with only a few slight shifts. Black Americans were not a main part of the Roosevelt coalition—both because many of them were disenfranchised and because many still favored the party of Abraham Lincoln. Since 1964, however, blacks have been overwhelmingly Democratic, and they are a key element in the contemporary Democratic alliance. What success Bill Clinton had in the South—winning Arkansas, Georgia, Louisiana, and Tennessee—was due largely to his high support among black voters. He was swamped in the southern white electorate. Southern white Protestants, a key part of every preceding Democratic alliance, are now solidly Republican—more solidly so than northern white Protes-

[4] James Carville, quoted in *Wall Street Journal*, 27 November 1992.

[5] I have described the process in *Transformations of the American Party System: Political Coalitions from the New Deal to the 1970s* (New York: Norton, 1978); and in *Where Have All the Voters Gone?: The Fracturing of America's Political Parties* (New York: Norton, 1982).

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TABLE 1

Ethnocultural and Religious Groups: Presidential Vote and Party Identification in 1992

	% of the 1992 Electorate	Vote for President			Party Identification of Voters		
		% for Clinton	% for Bush	% for Perot	% Dem.	% Rep.	% Ind.
Whites, attend religious services weekly	33	31	53	16	31	44	25
Whites, "Born-Again Christians/Fundamentalists"	15	23	62	15	23	52	24
All Whites	85	39	40	20	34	38	28
Blacks, attend religious services weekly	4	85	9	6	79	7	13
Blacks, "Born-Again Christians/Fundamentalists"	3	86	11	3	79	8	13
All Blacks	10	83	10	7	75	8	17
Jews	3	80	11	9	65	13	21
Hispanics	3	61	25	14	49	28	23
White Catholics	22	42	37	22	41	32	26
Asians	1	31	55	15	26	42	32
White Northern Protestant	21	36	44	20	29	47	24
White Southern Protestant	12	30	53	17	32	44	24

Source: VRS Exit Poll, 3 November 1992.

tants, the party's historic base (Table 1). In a sense, the realignment of the South was completed in 1992, when southern white Protestants went Republican in House of Representatives races, not just the presidency, by a margin of roughly 3 to 2.

The familiar connection in the contemporary era between frequency of church attendance and partisan choice continued in evidence in 1992. All groups of black Americans, including church-goers, are heavily Democratic. Among whites, though, Republicans now do far better with the "churched" part of the electorate than with the "unchurched." According to the Voter Research and Surveys (VRS) election day survey, whites who attend religious services (a third of the national electorate) voted for Bush over Clinton by 53 to 31 percent, with 16 percent going for Perot. In contrast, all white voters gave the president just 40 percent support; 39 percent backed Clinton and 20 percent Perot. Fifteen percent of voters interviewed by VRS in 1992 checked off the questionnaire category "Born-again Christian/Fundamentalist" as applying to them. Of this group, nearly two-thirds voted for Bush. On the other hand, the president was supported by fewer than 1 in 5 of those who said they had no religious ties (7 percent of voters).

During the campaign there was considerable speculation about the impact the Religious Right was having on Republican fortunes, as in its thus-far successful efforts to keep a strong anti-abortion plank in the GOP platform. In the wake of its presidential defeat, the Republican party is now often depicted in press accounts as likely to be engulfed in a battle for its soul, pitting conservative Christians and those more pragmatically inclined. It's true, of course, that any

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party that wants to win a national majority must seek to be inclusive, must offer a big tent. Still, in 1992—when by all accounts economic, not social issues were doing them in—the Republicans were kept in the presidential race in large part by the strength of the support Bush retained among highly religious participating whites in general and religious conservatives in particular. With regard to abortion, of the 12 percent of voters who told the VRS survey that it was one of the most important issues for them in deciding how to vote, 53 percent backed Bush, only 36 percent Clinton, and 9 percent Perot. Their backing among large segments of the churched public is a resource for Republicans, even as it also carries the potential for making the party too narrow in its appeals.

Hispanic Americans, the fastest growing ethnic collectivity (although still markedly underrepresented among voters) gave the Democrats a clear margin this year, as they have been doing; but their ranks included a substantial Republican base of 25–30 percent. Given present size and, even more, their potential for future growth, Hispanics are an absolutely critical group in the current battle for supremacy. Asian-Americans, a still-small but fast-growing group, gave the president one of his best showings in 1992. Democratic in every presidential election since the New Deal, Jews swung further from the Republicans in the 1992 balloting than any other ethnocultural group. In 1988 (according to the CBS News/*New York Times* exit poll), Jewish voters gave Bush 35 percent of their ballots; this past election, only 11 percent of Jews backed him, as national conditions and the Clinton campaign brought many in the group back into the Democratic camp.

Catholics, along with southern white Protestants, a mainstay of earlier Democratic coalitions, continued in 1992 their long drift away from decisive Democratic loyalties. White Catholics were just 6 percentage points more for Clinton than were northern white Protestants. The VRS exit poll showed 42 percent of white Catholic voters under age 30 identifying as Republicans, as against just 34 percent calling themselves Democrats and 25 percent independents. Among older Catholic voters, however, the Democrats still have a large margin in party loyalties. The age progression is essentially the same for southern white Protestants (Table 2).

The Gender Gap Persists

In other areas the pattern of social group alignment, which has become familiar in the contemporary era, was maintained in 1992. For example, gender was again an important factor in vote choice. According to the VRS survey, women gave Clinton a 9 percentage point margin, while men favored him over Bush by just 3 points. In the eleven U.S. Senate races where a woman faced a man, the gender gap was typically large. If one takes the percentage point margin (plus or minus) the female candidate had among men and subtracts it from her margin among women, gaps range from lows of just 3 points in Arizona, 11 points in South Dakota, and 14 in Kansas and Illinois to highs of 27 and 28 points in the two

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TABLE 2

White Catholics and Southern White Protestants in the 1992 Electorate: Party Identification by Age

	% Democatic	% Republican	% Independent
White Catholics			
Under 30 years of age	34	42	25
30–44	36	32	32
45–59	40	32	28
60+	57	24	19
Southern White Protestants			
Under 30 years of age	26	52	22
30–44	22	54	25
45–59	34	38	28
60+	45	35	20

Source: VRS Exit Poll, 3 November 1992.

California contests. In every case women voters gave larger shares of their votes to the female candidate than did male voters. All of the women who ran for the Senate in 1992 are Democrats, with the one exception of Republican Charlene Haar in South Dakota.

The VRS survey found no gender gap in party identification among voters with a high school education or less. But for those with more than four years of college, the gap was 18 percentage points. The same thing can be seen in the presidential vote. There wasn't a gender split in Bush-Clinton preference between men and women of high school training. In the ranks of those with graduate training, Clinton led Bush by a whopping 25 points, 55 to 30 percent among women; he led the president by just 7 points, 47–40 percent, among men. (Continuing a now-familiar pattern of partisan support, Democrat Clinton did far better in general this year among persons with post-graduate training than among all college grads.) In a number of U.S. Senate races—including those in California, Illinois, and Pennsylvania—Democratic women candidates got much bigger margins among highly schooled women than among those with high school training or among highly-schooled males (Table 3).

It's not by chance, of course, that gender differences have become an established feature of the contemporary parties and elections system. Since the 1960s, many women have encountered new sets of problems attendant upon their greatly expanded participation in the workforce over this span and as a result of the sharp rise in the proportion of single-parent, female-headed households. Relatedly, family status was again an important variable in 1992. According to the VRS study, married voters gave Bush a slight margin. But those single, divorced or separated, and widowed all backed Clinton strongly, by roughly 20 percentage points in each case. Variables like gender and family status never figured prominently in the New Deal vote pattern, but they are staples of the current order.

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TABLE 3

Big Gender Differences in the 1992 Voting Between Highly Educated Women and Men

Vote for President	*% for Clinton*	*% for Bush*	*% for Perot*	*Dems. Margin*	*Gender Gap*
High School Graduate					
Women	43	38	18	5	
Men	43	33	24	10	−5
College Graduate					
Women	44	40	16	4	
Men	34	43	23	−9	13
Graduate Training					
Women	55	30	15	25	
Men	47	40	13	7	18

Vote in the Two California Senate Races	*% for Feinstein (D)*	*% for Seymour (R)*	*Dems. Margin*	*Gender Gap*
High School Graduate				
Women	55	44	11	
Men	55	39	16	−5
College Graduate				
Women	67	30	37	
Men	51	43	8	29
Graduate Training				
Women	82	17	65	
Men	56	44	12	53
	% for Boxer (D)	*% for Herschenshon (R)*	*Dems. Margin*	*Gender Gap*
High School Graduate				
Women	41	55	−14	
Men	45	48	−3	−11
College Graduate				
Women	59	36	23	
Men	46	48	−2	25
Graduate Training				
Women	76	21	55	
Men	51	48	3	52

Source: 1992 VRS Exit Poll, 3 November 1992.

Continuities in Party Identification

Table 4 brings together data on patterns in party identification among voters in the last six presidential elections. These data are from the CBS News and *New York Times* exit polls of 1972 through 1988, and the VRS exit poll in 1992. We see how closely the partisan preferences of the various social groups in the 1992 electorate resemble those in the immediately preceding elections and how much

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TABLE 4

Party Identification of the Voting Public by Social Group, 1972–1992

	1972		1976		1980		1984		1988		1992	
	% D	% D minus % R	% D	% D minus % R	% D	% D minus % R	% D	% D minus % R	% D	% D minus % R	% D	% D minus % R
EVERYONE	47	11	41	16	45	15	38	3	38	3	38	3
By Gender												
Male	46	11	39	16	42	11	35	−1	33	−6	34	−2
Female	48	12	43	16	48	20	41	5	42	9	41	7
By Race												
White	43	5	38	11	42	10	34	−5	33	−6	34	−4
Black	80	68	74	67	73	3	77	−7	77	68	75	67
Hispanic	75	59	73	65	67	52	56	29	64	48	50	26
Asian			NA								32	−1
By Age												
18–24*	49	24	41	23	44	12	34	−6				
25–29*	48	18	40	22	44	18	39	4	38	0	36	−1
30–44	47	13	39	15	41	13	38	6	37	3	36	1
45–59	49	12	42	14	47	17	39	5	36	1	37	4
60+	42	−8	45	13	46	10	40	−1	42	7	45	11
By Religion												
Protestant	40	−5	37	7	38	0	32	−12	33	−10	33	−11
Catholic	57	33	45	28	49	27	45	18	40	8	43	12
Jewish	68	59	55	47	63	48	60	44	55	37	65	42
None	42	21	41	26	37	17	46	24	41	16	43	26
By Race/Region/Religion												
Northern Wh. Prot.	31	−24	31	−4	31	−14	26	−23	28	−19	29	−18
Southern Wh. Prot.	49	16	46	23	44	12	31	−10	30	−14	32	−12
Northern Wh. Cath.	55	29	41	22	49	27	44	17	37	5	41	10
Southern Wh. Cath.	64	43	57	42	46	16	38	1	30	−13	39	3
By Union Family												
Yes	58	32	49	31	53	31	49	24	50	25	49	24
No	42	2	37	9	40	7	34	−6	34	−5	36	−2
By Education												
Less than HS					55	28	53	23	55	29	55	27
HS Grad					50	23	41	7	45	13	43	11
Some College			NA		40	9	36	−1	35	−1	36	0
College Grad					37	4	34	−3	31	−9	35	−3
By Occupation												
Blue Collar	56	28	48	30	51	28	44	17	46	19	NA	
White Collar/ Prof./Mgr.	43	7	33	5	38	5	36	0	32	−7	NA	
Unemployed	52	22	53	37	50	23	54	35	56	34	NA	
Housewife/ Homemaker	47	8					37	−4	37	0	NA	
Student	46	19		NA			41	6	39	2	NA	
Retired	41	−7					39	−1	42	7	NA	

Source: Election Day Surveys of Voters (Exit Polls). CBS News/*New York Times*, 1972–88; Voter Research and Surveys, 1992.

*The distributions in 1988 and 1992 are for persons 18–29 years of age.

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they differ in certain cases from the ones still evident in the electorates of the 1970s. In 1972 and 1976, for example, the Democrats' best age group was the youngest voters; their worst was the oldest cohort. In 1988 and 1992, however, things were almost exactly reversed; the Democrats had their best margin in party ID among voters 60 years of age and older. If one looks at all adult Americans, rather than just at voters, one sees the same shift in party ties by age (Table 4).

In the 1970s, southern white Protestants hadn't yet swung over to the GOP in professed party loyalties. The 1984 presidential election was the first in U.S. history in which a plurality of this group identified with the party of Lincoln. In 1972 and 1976, the Democrats' margin in party identification was exactly the same among men and women voters. In recent contests, however, there has been a clear, though not overwhelming, gender gap in party support. The Democrats have had an edge in party identification among women, but trail narrowly among men.

Many people who profess to be Republicans or Democrats are lightly tied to their respective parties. One might have expected to find a substantial short-term shift in party identification away from the Republicans in a year like 1992, with an independent candidate making a strong run for the presidency and attracting enormous media attention, and with much of the public dissatisfied with the way things were going, especially economically, under a Republican president who saw his approval ratings plummet. In fact, not much happened to the distribution of party loyalties over the election year.

I have reviewed data on party identification from all of the principal national survey organizations, not just Gallup, whose results are assembled in Table 5. These data are generally consistent. They show the two parties relatively evenly matched in party allegiance during most of 1992, with the Democrats generally holding a slight edge. The distributions on election day were close to what they had been at the beginning of the year. We see in Table 5 that around the time of the Democratic convention, when Ross Perot announced his withdrawal from the presidential race and Bill Clinton surged to a big lead in his trial-heat matches with George Bush, the Democrats' party ID margin did rise briefly into the double-digit range. Similarly, when the Bush campaign foundered again in October, losing the modest momentum it had seemingly gained over the previous month and a half, the Democrats' edge in party identification among registered voters—data on all adults are not available from these surveys—again rose to roughly 10 points. But Gallup's surveys in the closing days of the campaign once more showed the two parties closely matched in party identification, with the Democrats leading only slightly. The VRS election-day survey of voters gave a picture consistent with the late pre-election findings; it showed Democrats outnumbering Republicans by just 3 percentage points among those who went to the polls on 3 November.

As one would expect, the data indicate that more weakly attached semipartisans were affected more by the ebb and flow of the campaign. By semipartisans I mean those who first identify themselves as independents when asked about their party preference but subsequently say they lean to one party or the other, when

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TABLE 5

Party Identification in the U.S.—1992 Gallup Surveys

Date of Survey	% Democrat	% Republican	% Independent	With Independents Pushed to Declare How They Lean: % D	% R
1/3–6	33	29	36		
1/6–9	35	30	31		
1/16–19	32	35	30		
2/19–20*	33	30	35		
2/28–3/1	33	32	32		
3/11–12*	35	32	32		
3/20–22*	29	32	37		
3/26–29	31	32	34		
3/31–4/1	34	36	28		
4/9–12	33	28	36		
4/20–22*	33	37	28		
5/7–10	30	29	38		
5/18–20	32	31	33		
6/4–8	30	30	35		
6/12–14*	35	28	34		
6/26–7/1	29	28	38		
6/29	35	26	32		
7/6–8*	34	33	31		
7/17–18*	39	27	32	55	38
7/24–26*	35	27	34	54	36
7/31–8/2	38	26	31	54	35
8/31–9/2*	36	29	33	54	40
9/11–15	33	28	35	50	40
9/17–20	33	33	29	47	41

* Data are for all adults, unless indicated (*); the latter are based on samples of registered voters only.

Party Identification of Registered Voters/Likely Voters Stretch-Run of 1992 Campaign, Gallup Tracking Polls, Selected 3-Day and 2-Day Averages

All Registered Voters					
9/28–30	38	28	31	54	40
10/1–3	39	30	27	52	41
10/4–6	36	30	30	51	41
10/5–7	40	29	27	53	40
10/7–9	42	29	26	55	38
10/9–11	40	31	25	54	39
10/10–12	36	25	31	52	36
10/13–15	39	31	26	51	40
10/16–18	37	26	31	58	40
10/20–21	37	27	31	51	39
All Likely Voters					
10/22–23	36	30	29	48	40
10/24–25	36	31	29	49	43
10/26–27	34	32	29	47	44
10/28–29	35	32	30	48	45
10/30–31	34	31	31	49	43
11/–2	35	31	30	49	42

* Based on samples of registered voters only. (Other data are for all adults.)

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pushed by a follow-up question. At the time of the Democratic convention, these leaners had swung overwhelmingly into the Democratic column (Table 5). But again, in the closing days of the campaign, the leaners were breaking in roughly the same way as more committed partisans.

To get larger numbers of cases permitting more reliable examination of the party ties of various social groups, we combined eight Gallup surveys taken between October 1991 and May 1992, yielding an "n" of just over 9,000, and as well the Gallup daily tracking surveys of 20 October through 2 November, a total of 12,600 respondents. Comparing the distributions from these two large datasets suggests that the amount of partisan movement over the campaign was fairly limited for most groups, as it was for the electorate at large. The Republican position appears somewhat less strong among young people (18–29) in the surveys of registered voters and likely voters taken by Gallup down the stretch of the campaign than among the young in the late 1991-early 1992 surveys. The Democrats are also shown to have improved their position among the oldest voters (80 years and up); but here, the relatively small number of cases may have resulted in a substantial distortion. In general, the age relationship that has become familiar over the past dozen years was maintained throughout 1992, with the Republicans' position strongest among the young and weakest among those who came of age politically during the New Deal and its immediate aftermath (Table 6).

The combined Gallup data also suggest that the Democrats improved on their already-large margin in party identification among Americans of low socioeconomic status over the course of the campaign. We're looking at all adults for the early part of the campaign, but at registered voters and then likely voters only at the conclusion.[6] Still, the findings of a 12-point Democratic margin among persons with family incomes under $20,000 for the early period, rising to a much larger margin of 25 points down the campaign stretch, probably points to some real, at least short-term mobilization in this income group.

Even amid the economic dissatisfaction surrounding the 1992 campaign, which all analysts think played a key part in the defeat of the incumbent Republican president, the two parties' public standing on matters of economic management shifted only moderately. The Democrats regained, at least short term, a margin on the question of which party is better for prosperity, which they had lost in the Reagan years. But down the stretch of the campaign, their edge was far below what it had been in the New Deal era and again in the 1960s and 1970s.

Asked in March 1947 which party they preferred to have in office "if hard times come again," 51 percent of those interviewed by the Gallup Organization picked the Democrats, just 30 percent the Republicans. Fifty-four percent in this survey saw the Democrats better able to keep wages high; only 22 percent credited the GOP with superior ability in this regard. A great many other surveys

[6] Gallup used screening questions in the latter weeks of the campaign; those not meeting tests as registered voters, and subsequently as likely voters, were not asked any additional questions.

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TABLE 6

Party Identification by Social Group, at the Start and the Conclusion, of Campaign '92

	Oct. 1991–May 1992 (All adults)			Oct.–Nov. 1992 (Registered voters)		
	% D	% R	% I	% D	% R	% I
EVERYONE	33	34	34	36	32	31
By Gender						
Male	28	35	37	32	33	35
Female	37	33	31	40	32	28
By Race						
White	29	37	33	32	36	33
Black	60	8	33	81	4	15
Hispanic	44	29	27	55	23	21
By Race/Region						
White/Northeast	29	37	34	33	32	35
White/Midwest	28	35	37	30	32	38
White/South	32	38	30	32	39	29
White/West	28	39	33	31	40	30
By Religion						
Protestant	34	37	29			
Catholic	33	32	35	NA	NA	NA
Jewish	47	23	30			
By Age						
18–29	28	36	37	34	33	33
30–39	29	35	36	33	34	33
40–49	30	30	40	35	28	37
50–59	36	32	32	35	34	31
60–69	38	34	28	37	33	29
70–79	42	34	23	46	32	22
80+	38	42	20	47	30	14
By Education						
Less than HS	43	28	30	54	25	21
HS Grad	34	32	34	37	33	31
Some College	29	37	33	34	32	34
College Grad+	27	38	35	30	36	34
By Income						
Less than $20,000	40	28	32	51	26	23
$20–29,000	33	32	35	36	33	31
$30–49,000	31	35	34	34	33	33
$50,000+	25	42	33	25	38	37

Source: Gallup surveys. Eight surveys taken between October 1991 and May 1992 were combined, as were the daily tracking polls of October 20 through November 2.

over the 1930s and 1940s showed response distributions much like these. But by the mid-1950s, near the end of Dwight Eisenhower's first term, the Republicans had caught up with the Democrats on the prosperity dimension. They couldn't hold this position, though, and at the end of Eisenhower's presidency a substantial plurality of Americans again credited the Democrats with being the party of prosperity. Figure 1 shows that the Democrats maintained this status throughout the next two decades, often by overwhelming margins.

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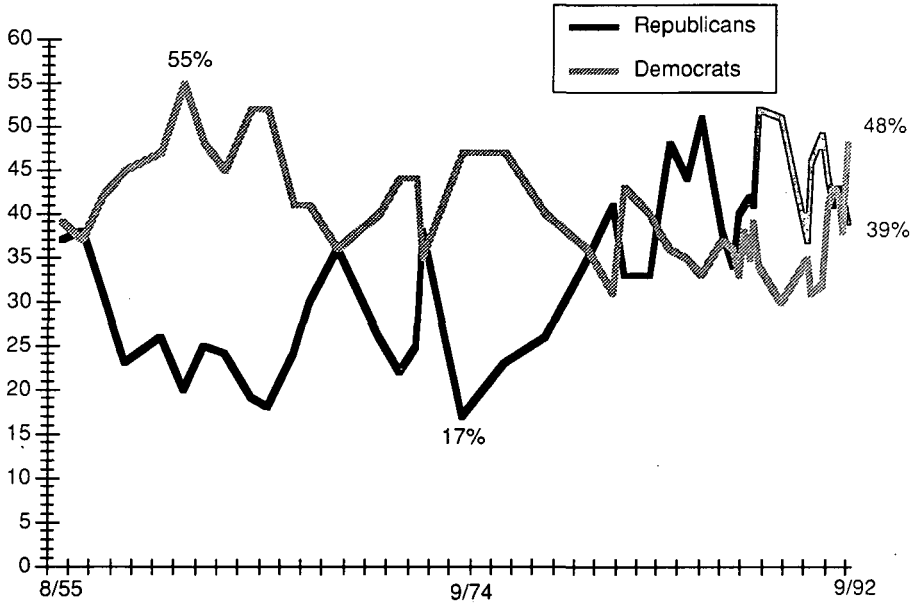
FIGURE 1
Which Party Is Better for Prosperity?
(% of Public Saying Each Party)



In the 1980s, however, the Republicans again caught up with the Democrats on this key performance measure. In the late 1980s, for the first time in a half century, they enjoyed a clear margin. They lost this edge during the recession of the early 1990s, but even in the face of widespread economic dissatisfaction, they retained something close to a parity position on economic management matters. Other survey organizations show the same pattern. For example, when the *Los Angeles Times* poll asked which party "do you think will do a better job of keeping America prosperous in the years to come," 38 percent picked the Republicans and 37 percent the Democrats in late August 1992; while 44 percent picked the Democrats and 36 percent the Republicans in late October, about a week before the balloting.

A Deviating Election

A Bush Victory Had Been Expected at the Start of the Campaign

Over the course of the 1992 campaign, little was happening with regard to the partisan makeup and outlook of the American electorate after the intense partisan ferment of the late 1960s on through the early 1980s. Having settled into a new partisan era, the country showed no inclination to move in some different direction in 1992. Nonetheless, the 1992 presidential results were obviously a

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sharp departure from those of the three preceding presidential contests, all of which the Republicans won handily. Why? What short-term factors produced the deviation? The Clinton campaign's answer has been widely publicized: "It's the economy, stupid." And, the economy was widely implicated. Still, the dynamic that took over the 1992 campaign and pushed it in a direction different from what most observers had expected a year or more before the balloting was much more interesting and complicated than that the economy was sour, and most voters thus were persuaded "it's time for a change." Before exploring this dynamic, let's go back and review what the upcoming election looked like in the latter part of 1991, when the long campaign was getting underway.

Most election analysts believed that a Bush victory was highly likely. First, he had the resources of incumbency. The most important of these stems from the fact that an American president is more than a head of government; he is also the chief of state, a primary symbol of the nation, and the embodiment of its many shared political aspirations. Second, Bush enjoyed over most of the first three years of his presidency high public ratings. The proportion saying they approved his handling of the office in those first three years averaged much higher, for example, than that backing Ronald Reagan in any three years of his tenure. To the generally good marks that Bush got in his first two years was added the great credit he was given for his handling of the crisis in the Persian Gulf. Following the decisive U.S. military victory in the war against Sadaam Hussein in March 1991, between 85 and 90 percent of adult Americans said they approved the president's conduct of his office. The Gallup poll of 28 February–3 March put those approving at 89 percent. The CBS News/*New York Times* poll of 4–6 March got virtually identical findings: 88 percent approving, 8 percent disapproving. While everyone knew at the time that these ratings were going to fall substantially, they also knew that the ratings had a long way to drop before Bush would be in any political difficulty. Through his handling of this major foreign policy challenge, Bush gained the judgment of much of the public that he was up to the presidency.

A third factor leading most analysts in 1991 to expect a Bush reelection in 1992 involved decisions being made by potential Democratic nominees. The party's most prominent and established figures without exception decided not to challenge the president. Among those choosing not to run: New York Governor Mario Cuomo, Texas senator and 1988 vice-presidential nominee Lloyd Bentsen, Tennessee senator and 1988 contender Al Gore, and House majority leader and 1988 contender Richard Gephardt. No one who had prior to the campaign established himself in the public's eyes as a possible president entered the race. With one exception, the Democratic field was entirely untested at the level of presidential politics. And that exception, former California Governor Jerry Brown, had acquired negative marks from his previous national exposure, which included a run for the Democratic nomination in 1976. Former Massachusetts Senator Paul Tsongas, Nebraska Senator Bob Kerrey, Iowa Senator Tom Harkin, and the

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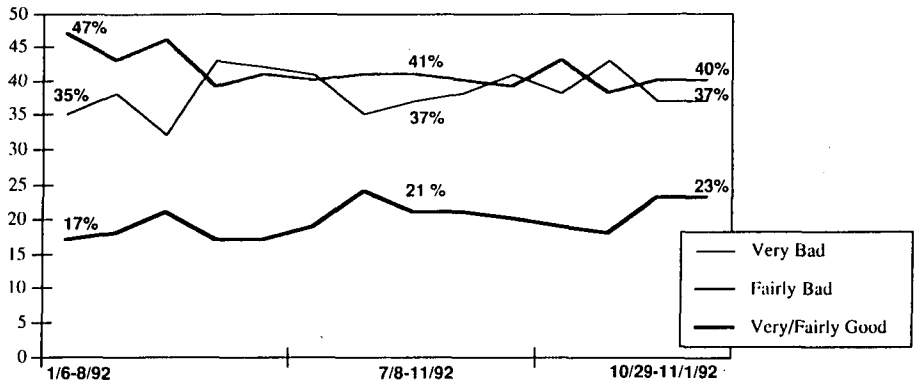
FIGURE 2

Question: *How would you rate the condition of the national economy these days: Is it very good, fairly good, fairly bad, or very bad?*



Source: Surveys by *CBS News* and the *New York Times* throughout 1992; 14 askings of the question, latest October 29–November 1, 1992.

eventual winner, Arkansas Governor Bill Clinton, began the campaign largely unknown to the electorate.

The reason Bush was not challenged by any member of the Democrats' first team involves the way presidential nominations are now conferred in the United States. The new parties and election system is distinguished by much more than the pattern of group political attachments I have been describing; many institutional factors are involved as well. In particular, the formal role of political party organizations in presidential electioneering has been vastly diminished. Presidential nominations are no longer conferred by party organizations, as they had been in all previous systems from 1832 on. Though the national nominating conventions continue to operate, they no longer really choose nominees; instead they ratify choices made in a long, drawn-out string of primaries. And candidates no longer can count on party organization for much assistance; the fabled machines of yesteryear have long since disappeared. Instead, candidates must put together their entire campaign apparatus themselves. This means candidacies must begin early. Most decisions bearing on who the field will include are made by the summer or early fall of the year preceding the election itself. And at that point in 1991, the consensus among Democratic politicians was that Bush would be hard to beat. The 1996 election seemed more promising.

The above elements were widely agreed upon. To them, I would add two other dimensions on which there is disagreement. First, my analysis suggests strongly that the Republicans entered the 1992 campaign with most of their assets intact. In the Reagan years the party climbed out of the decidedly second-place status

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in party identification, which it had occupied for most of the preceding half century, and reached parity in underlying partisanship. The GOP retained this position going into the 1992 campaign. As in 1984 and 1988, it didn't have a gap in party loyalties to overcome. Also, the party was seen as better able than the Democrats to manage the country's affairs. Even in mid-1992, when economic worries were high, the GOP still often got better ratings on economic management than did the Democrats.

In the area of political philosophy, too, the GOP's assets had held up well. Government's size and performance continued to be widely criticized. Though they elected a Democrat to the presidency, voters still indicated on 3 November 1992 that they favored restraint on government growth. When the VRS exit poll asked them whether they wanted government that provided more services while costing more in taxes, or government that cost less while providing fewer services, only 36 percent of voters chose the former. Fifty-five percent opted for less government. When a CBS News/*New York Times* poll of 12–14 January 1993 asked whether "you think that, in general, the federal government creates more problems than it solves . . . [or] solves more problems than it creates," by 69 to 22 percent respondents said the former.

Lastly, when the campaign began in the latter half of 1991, most economic indicators showed trends at least modestly favorable to the incumbent party. These indicators, including changes in gross domestic product (GDP), suggested that the U.S. economy bottomed out in the second quarter of 1991. The three quarters in which real GDP fell were the last one in 1990 and the first two in 1991. Nearly eighteen months prior to the 1992 balloting, economic decline had ended; recovery, even if sluggish, had begun. It appeared that George Bush would not have to run for reelection in the midst of recession.

These trends in basic economic performance data explain why a number of models developed to forecast presidential elections showed Bush likely to win. Ray Fair's model predicted that Bush would receive about 56 percent of the popular vote. Another by Michael Lewis-Beck and Thomas Rice estimated that Bush would gain 58 percent of the electoral vote.[7] Both the Fair and the Lewis-Beck/Rice models incorporate measures of the pre-election economy, together with an assumption that an incumbent president is likely to do well in seeking reelection if the economy isn't in recession. Fair's includes measures of real GDP growth per capita and of inflation. The Lewis-Beck/Rice model also incorporates GDP growth. In retrospect, it's easy to see a blind spot in these models: they included no measure of what people *thought* the economy was doing, but relied

[7] Ray Fair, "The Effect of Economic Events on Votes for the President," *Review of Economics and Statistics* 60 (1978): 159–73; and Michael Lewis-Beck and Thomas Rice, *Forecasting Elections* (Washington, DC: Congressional Quarterly Press, 1992). The Fair piece cited is, of course, the one where the author sets forth the terms of his model's estimates, not where its application to the 1992 election is set forth.

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exclusively upon objective measures of economic performance.[8] The traditional rule of thumb—that an incumbent president seeking reelection when the economy is either strong or at least recovering, is thereby advantaged—suggested that the economy would not be Bush's nemesis in the 1992 campaign.

The Clinton Candidacy

This article was finished just as Bill Clinton was sworn in as the forty-second president of the United States. Aspects of how he is likely to conduct the office could perhaps be deduced with some reliability from the way he has comported himself in public office since he first won the Arkansas governorship in 1978. But the success or failure of Clinton's presidency is still entirely to be determined. One thing could be said confidently about his prospects for success: they are not reduced by the fact that he won with only 43 percent of the popular vote, the smallest proportion since Woodrow Wilson took office with 42 percent in 1912.[9] Clinton's success or failure as president will be determined by what he does, given the various needs and problems brought to the presidency during his tenure. He has as much chance to be successful—so far as the vote proportion itself is directly concerned—as someone taking office with 60 percent of the vote would have.

But if it is possible that Bill Clinton will be seen to achieve great things in the presidency, it must be acknowledged that his was often a troubled candidacy. At no point in the 1992 campaign did he succeed in dispelling the doubts among a majority of the electorate about his suitability for the office. These doubts showed up regularly in poll findings. For example, in a survey taken 12 and 13 October, CBS News and the *New York Times* asked respondents whether they thought Clinton could be "trusted to deal with all the problems a president has to deal with," or were they "concerned that he might make serious mistakes?" It's hardly newsworthy that 80 percent of Republicans polled said they were worried about him in this regard, but it is striking indeed that 57 percent of independents and 32 percent of Democrats said so. The incumbent president

[8] Michael P. Niemira, vice president and economist of Mitsubishi Bank, has demonstrated quite nicely that if consumer confidence is substituted for actual economic performance, one can get a model that does quite well with the 1992 election results. See his "Forecasting Presidential Elections: A New Use for Consumer Surveys," *The Public Perspective*, November/December 1992, 31–33.

[9] The parallels between 1912 and 1992 are interesting. Both elections were three-way races, rarities in U.S. political experience. In both instances a Democrat won when a third party or independent candidate badly divided the normal Republican vote. That Theodore Roosevelt, a former Republican president, did this against sitting Republican President William Howard Taft in 1912 is well known and in no way disputed. Some would quarrel, I recognize, at my argument that Ross Perot's independent candidacy in 1992 served largely to divide the Republican vote. But I believe the data show that this was the case, and I will develop the argument below.

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was shown trailing by 13 percentage points in this survey; nonetheless Bush got better marks on the trust issue than did Clinton.[10]

The election day poll taken by Voter Research and Surveys provided further information on the Democrat's inability to overcome widespread doubts about him. For example, VRS asked: "If Bill Clinton wins today, what best describes your feelings about what he will do as president?" The response alternatives given respondents as they left the voting stations were "excited"; "optimistic but not excited"; "concerned, but not scared"; and "scared." Only 41 percent picked one of the two positive assessments; 15 percent said they would be excited, 26 percent optimistic. Against these 41 percent were 57 percent who said they would be concerned (27 percent) or scared (30 percent). And it wasn't just Bush voters who offered a negative review. Twenty-eight percent of VRS respondents who described themselves as Democrats said a Clinton victory would worry them. Sixty percent of independents were thus negative on him.

In the sense indicated by the above, Bill Clinton was his own worst enemy; and the inability of his candidacy to shake questions of a personal sort about him was an important factor that a Democratic strategist scripting his party's 1992 campaign would have written differently. In other important regards, however, the Clinton campaign had things break its way. Some of these elements stemmed from the real strengths that Clinton himself brought to the race. He proved to be an impressively disciplined and determined candidate. His personal resilience, physically and emotionally, was remarkable. In other regards, too, he was a good candidate: he was not gaffe-prone, and he projected affability, with few traces of rancor. In short, while Clinton had never before been tested in a national race, he proved able to meet the test.

Besides his personal attributes as a campaigner, Clinton had carefully studied the major lessons for his party of recent presidential elections. Prior to 1992, his work on the national stage had largely involved his leading role in the Democratic Leadership Council (DLC), an organization of Democratic moderates and conservatives. At home, Clinton showed he could maintain his popularity and win repeated reelection in a conservative state. He talked often about the importance of individuals taking responsibility for things—avoiding unbroken emphasis on government's responsibility. His positions in favor of a strong national defense and a vigorous U.S. foreign policy, and his general inclination to celebrate the American idea rather than concentrate on deficiencies within it, also served to separate him from stands that have plagued his party over the last quarter-century.

The "new" Democratic party that Clinton said he champions resembles one that many Democratic strategists and intellectuals of the party's center-right have

[10] Just before his inauguration, Yankelovich Partners asked in a survey done for *Time* and CNN, "Do you think Bill Clinton is a leader you can trust, or do you have some doubts and reservations?" Only 41 percent said he was a leader they could trust, 50 percent that they still had doubts. Some honeymoon!

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long been advocating. One of this company, David Kusnet, now on the White House speechwriting staff, argued in a book published in early 1992 that the Democrats could regain the presidency only if they again began "speaking American."[11] "You don't have to be a social historian—you just have to watch TV, go to the movies, talk to your neighbors, or simply search your soul—to get a sense of some of the ideas that have helped shape our nation," Kusnet wrote. "Perhaps most important is the idea that America is special, and Americans are special people. A country that doesn't define itself by language or lineage has to set other standards for citizenship, and the classic definition of American nationality includes a dedication to democratic values and a commitment to building a virtuous community—the great American experiment. . . . Far from being academic or archaic, these ideas have echoed throughout two centuries of political debate."[12]

The problem for the Democrats, Kusnet maintained, was that "for the past decade, Republicans have been more at home with (and more adept at) the rhetoric of American exceptionalism. . . . During the Reagan-Bush years, Democrats remained reluctant to espouse a similar belief in America's place in the world. Of course, many Democratic party activists . . . were shaped by the protest movements of the 1960s, which ended up concentrating more on America's problems than its promise. Yet Jimmy Carter and Walter Mondale, whose politics weren't formed in the sixties, seemed tone deaf to the music of American specialness."[13] The music of Clinton's campaign reflected perspectives like those Kusnet articulated. The campaign was a determined effort to steal the Republicans' clothes by speaking American better than they did.

Perceptions of the Economy in the Campaign

Economic concerns were obviously front and center throughout 1992. Three separate sources repeatedly told Americans that the sky was falling. One of these, the Democratic campaign, is entirely unremarkable. The out-of-power party often charges the "ins" with economic mismanagement as part of its case to voters that it be given a chance to govern. In 1992 the Democrats did their job more or less in the standard fashion. The other two sources were unusual, though, and it took both of them to convince Americans that—though objective data showed the economy growing, if sluggishly, in late 1991 and more robustly as 1992 proceeded—in fact the United States was in desperate straits. One of these sources was the well-financed, television-centered, independent campaign of H. Ross Perot. The other was the press, to which I will turn shortly. But first, let me restate the argument: an incumbent president not plagued by scandal is likely to

[11] David Kusnet, *Speaking American: How the Democrats Can Win in the 90's* (New York: Thunder's Mouth Press, 1992).

[12] Ibid., 40.

[13] Ibid., 41.

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win reelection in the United States if the economy is strong or at least recovering. Bush's reelection bid met all of these criteria. In addition, he had just presided over the successful use of U.S. power in the Persian Gulf and received generally high marks for his handling of foreign affairs. In this setting a Bush defeat was unlikely, unless a large majority of the public somehow became convinced that the U.S. economy was being badly managed, threatening the nation's future. In late 1991 and throughout 1992, a large majority did become convinced of such economic malperformance.

For example, in fourteen national surveys done throughout 1992 up to the election, CBS News and the *New York Times* asked respondents how they would rate "the conditions of the national economy these days." At no time did as many as one in four rate it very good or fairly good. More than three-fourths called the economy fairly bad or very bad throughout the election year. On election eve (a survey of 29 October–1 November), 77 percent said the national economy was in bad shape (Figure 2), even though it was growing in real terms at an annualized rate of roughly 3.5 percent.

The Democrats could not have made the case that the U.S. economy was failing badly, given objective conditions, had they not received assistance above and beyond what they could have reasonably counted upon. As far as the press's reporting of economic developments is concerned, the striking fact is the sustained, unremitting emphasis on problems and failure. As the content analysis of ABC, CBS, and NBC evening news coverage of the economy done by Robert Lichter and his colleagues at the Center for Media and Public Affairs indicates, coverage of the economy became increasingly more intense in the latter part of 1991; it was more than twice as heavy in the October 1991–September 1992 span than it had been in the preceding twelve months when the recession was underway. This much might be explained largely by the fact that the Gulf war and the breakup of the Soviet empire commanded so much attention in the latter half of 1990 and the first half of 1991 that news of the domestic economy was largely crowded out.[14]

This cannot account, however, for the extreme pessimism and negativism of the expanded coverage of the economy by national TV news in late 1991 and 1992, when recovery had begun. The Center for Media and Public Affairs reports on its content analysis that "during the most recent quarter [July–September 1992], 96 percent of the sources [cited on the evening news broadcasts] have focused on economic weakness and shortcomings."[15]

Though recovery was underway, the U.S. economy still had many problems during the closing months of the 1992 campaign. I would not argue that TV news coverage would have come down 96 percent positive or optimistic on economic

[14] The results of the content analysis of news coverage of the U.S. economy may be found in "The Boom in Gloom: TV News Coverage of the American Economy, 1990–1992," *Media Monitor* 6 (October 1992): 2–4.

[15] Ibid., 3.

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performance during this span had it faithfully reflected reality. But 96 percent negative coverage distorted what was in fact a complex picture with many positive as well as negative features. Neither am I suggesting that the press had a master plan to elect Clinton by exaggerating the economy's problems. It appears that something far more prosaic occurred. First, a majority of journalists felt closer to the Democrats' stands than to those of the Republicans. This identification is, of course, a staple of modern American politics.[16] After a dozen years in power, the Republicans and their economic policies had in 1992 become an old and tired story. Many journalists, it seems, were in a mood for something new. Finally, "the economy in shambles" is inherently a more exciting story than "some problems, yes, but many strengths." The coming together of these three distinct elements contributed to the most important political event of the 1992 campaign—an uninterrupted stream of negative press reports and commentary on the nation's economy that left much of the public in a state of bewilderment and frustration.[17]

The Perot Candidacy

Throughout the 1992 campaign, analysts pondered the impact that Ross Perot's candidacy was having and tried to divine just how much in the final analysis the support he drew would tip the balance between Bush and Clinton. There was never agreement on these matters, and now in the wake of the election I suspect there won't be any either. Available data, especially those from the VRS

[16] Surveys leave little doubt that the tilt among national journalists in the United States is toward values and policies generally thought of as liberal. National journalists give more backing to liberal candidates than the American public does. In 1984, for example, Ronald Reagan was backed by about 59 percent of the entire electorate, but by just 26 percent of reporters and editors. The latter figure is according to a national survey taken by the *Los Angeles Times*. The *Times* survey also found that 55 percent of the journalists call themselves liberal and just 17 percent conservative. The pollsters reported that journalists were also "markedly more liberal than others of similar educational and professional standing." On a wide variety of social and political issues—such as affirmative action for blacks and other minorities, abortion, sexual norms and conduct—journalists are notably more liberal than the public at large. The survey referred to was taken in 1985 by the *Los Angeles Times*. About 3,000 reporters and editors randomly selected at over 600 newspapers around the country were polled.

[17] A variety of other explanations have been offered for the public's foul mood with regard to the state of the economy. In one of its *Roper Reports* series, for example, the Roper Organization—a New York-based survey research organization not connected to the Roper Center—concluded that "consumer confidence and the public mood in 1992 were far more depressed than many observers believed warranted. Interest rates and inflation were very low, while unemployment rose only modestly by historic standards. Nonetheless, a 20-year low of only 14 percent of Americans in this [Roper Reports] study said the nation is headed in the 'right direction.'" [*Roper Reports* 92 (December 1992): 2.] Seeking to reconcile the apparent discrepancy, the analysts suggested: "One explanation dates back to the 1980s when *Roper Reports* observed signs of 'aspiration inflation,' meaning material expectations were growing much faster than achievement. In May 1989, we said: 'Given much higher material expectations, public opinion would react sharply—and extremely negatively—to any future downturn in the economy.' And so it did."

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exit poll, help us understand the makeup of Perot's backers, and thus to get a better idea of where on the political spectrum they came from. But the larger question of what the 1992 contest would have been like had Perot not entered it can never be settled by data derived from a race in which Perot's candidacy was in fact a major element.

From his first entry into the race via the novel instrument of television talk shows in March of 1992 to his television blitz down the campaign's stretch, Perot concentrated his fire on what he depicted as the profound failure of the Bush administration to comprehend the severity of the economic problems facing the country and to chart a course toward their solution. He argued that a once-great U.S. economy was in a perilous decline that threatened the historic American promise of growing abundance. Perot's call was a powerful one, because it seemed to many so disinterested and because it was so quintessentially American. What did the plain-speaking Texas billionaire have to gain other than knowledge that he had helped the country he loved? Perot's was no radical bashing of the private business system. Instead he was calling for a restoration of American economic greatness, based on such tried and true bourgeois principles as living within one's means and paying one's debts. Political insiders knew that Perot was intensely averse to Bush personally. But Perot rarely revealed any personal animosity in his public presentations, and all that most voters saw was a businessman saying that the sky had fallen economically on the watch of George Bush (and while not emphasized, that of his Republican predecessor, Ronald Reagan). I think it's unlikely that the sense of an American economy in grave difficulty would have taken hold as it did, against considerable evidence to the contrary, had Perot not added his seemingly disinterested voice to the argument and campaigned so effectively to advance it.

The makeup of the 19 percent of the electorate who voted for Ross Perot gives further indication of a heavy impact of the economic sky-is-falling account on George Bush's candidacy. Perot's voters came disproportionately from groups—defined both in terms of social status and political outlook—that have been giving the Republicans strong support in recent presidential elections. They hadn't changed their stance on most major political issues in 1992, and in general they differed sharply from Clinton backers. But like the latter, Perot's voters believed the economy was in deep trouble, and that its weaknesses signified the failure of Bush's leadership.

These conclusions emerge clearly from analysis of the VRS exit poll. The study shows that Perot backers were overwhelmingly non-Hispanic whites (94 percent), disproportionately male (52 percent, while the entire electorate was just 46 percent male), and western (24 percent, compared to the 19 percent of all voters coming from the western states). In terms of age and gender, Perot did best among young (18–29) men, among whom he got 26 percent of the vote. At the other end of the spectrum, he was supported by only 10 percent of women age 60 and older.

The Texas independent cut most deeply into what have been Republican demographic bases. But these characteristics of his backers seem relatively unimportant

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when compared to those of a political and attitudinal nature. Republican dominance of the presidency in recent decades has been based on the GOP's doing better among self-described Republicans than the Democratic party has done among Democrats, and vastly better than the Democrats among independents. In 1992, for the first time since 1964, the Democratic nominee got a higher proportion of the ballots of Democratic identifiers than the Republican candidate did of his party's adherents—thanks in large measure to Perot's appeal.

Self-described independents favored the Republicans over the Democrats in every election since FDR up to this one, except for the 1964 Lyndon Johnson landslide. In 1976, for example, when Democrat Jimmy Carter gained the presidency, independents backed Republican Gerald Ford by a margin of 52–48 percent. In 1984, when Ronald Reagan beat Walter Mondale by 18 percentage points among all voters, he won by 28 points among independents.[18] This year, however, Clinton edged Bush out among independents by 38 to 32 percent—in large part, it appears, because Perot got the backing of 30 percent of self-described independent voters.

Philosophically, the Perotists resembled the Bushites, though with a more libertarian coloration. Asked in the VRS exit poll which they would rather have, "government provide more services but cost more in taxes," or "government cost less but provide fewer services," Bush and Perot voters responded similarly, both saying by margins of roughly two to one that they wanted smaller government. In sharp contrast, a clear majority of Clinton voters—55 to 36 percent—opted for the "more government" response. Voters were also asked which should be "the highest priority for the next president": "cutting taxes"; "reducing the budget deficit"; or "expanding domestic programs." Again, Bush and Perot supporters responded in similar fashion to this question. In contrast, Clinton's backers were far more likely than either of the other groups to urge the expansion of domestic programs (Table 7).

Their libertarian inclinations engaged, Perot adherents weren't secured on the Republican side by Bush's "values" emphasis. Only 5 percent of Perotists, for example, checked "abortion" as the one (or one of two) issues which "mattered most in deciding how you voted," compared to 19 percent of Bush voters. Just 28 percent of Perot's supporters said they wanted abortion illegal in most or all cases, as against 50 percent of Bush voters. Thirty-three percent of the Perot electorate indicated that they attended "religious services at least once a week," about the same as that (35 percent) for Clinton voters, but far below the 55 percent of Bush backers.

It's not that Perot's supporters were yearning for a shift in social values. Asked in the VRS survey whether it was more important for government to "encourage traditional family values" or "encourage tolerance of non-traditional families," 75 percent of the Perotists and 87 percent of the Bushites said the former, as

[18] The 1976 and 1984 data are from the CBS News exit polls of those years.

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TABLE 7

Perot, Bush, and Clinton Voters Compared on General Political Outlook

	Perot Voters	*Bush Voters*	*Clinton Voters*
Question: Would you rather have: (1) government provide more services, but cost more in taxes; (2) government cost less in taxes but provide fewer services?			
Cost Less/Do Less	66%	72%	36%
Cost More/Do More	26	20	55
Question: Which is more important for government to do: (1) encourage traditional family values; (2) encourage tolerance of non-traditional families?			
Encourage Traditional Values	75	87	53
Encourage Tolerance	19	9	42
Question: Which should be the highest priority for the next president: (1) cutting taxes; (2) reducing the budget deficit; (3) expanding domestic programs?			
Cutting Taxes	11	16	14
Reducing Deficit	65	59	44
Expanding Programs	14	15	33

Source: VRS Exit Poll, 3 November 1992.

against 53 percent of the Clintonians. The Perot electorate wasn't looking for "new values"; they just weren't much occupied by social issues, which left them more open to suasion on the economic dimension.

The VRS exit poll found that 89 percent of Perot backers, who by large margins favored less government, had concluded that the national economy was either "not good" or "poor." This was the view of 94 percent of Clinton supporters, but of only 57 percent of Bush backers. Perotists were in a sense the ultimate economic restorationists. Seventy-nine percent of them checked off either the "Federal budget deficit" or "Economy/jobs" as the one or two issues that most determined their vote, compared to 61 percent of Clintonians and 40 percent of Bushites.

When asked how they would have voted had Perot not been on the ballot, 38 percent of his supporters said they would have backed Clinton, 37 percent Bush, 6 percent someone else, while 14 percent said they wouldn't have voted. Some analysts argue from these numbers that Perot didn't have any impact on the final point spread between the two main contenders. I find this reasoning unsound. First, since Perot was on the ballot and had been campaigning very actively down the stretch, strongly criticizing the incumbent administration, the hypothetical question of what they would have done if all this hadn't happened is bereft of utility. Second, Perot voters indicated on the VRS survey their deep misgivings about the Democratic nominee. The exit poll asked, "If Bill Clinton wins today, what best describes your feelings about what he will do as president?" Seventy-eight percent of Perot's backers took one or the other of two negative assessments: 43 percent saying they would be "concerned," 35 percent "scared." Even though

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he was himself a challenger to the sitting president and clearly wasn't responsible for the "economic mess" that most Perot voters perceived, Clinton still got generally poor marks from the Perotists.

But the main survey evidence bearing on Perot's impact is elsewhere. The data show that his voters were disproportionately libertarian-inclined independents and Republicans, who were angered by government excesses and wanted a more restricted governmental role, but who accepted Perot's argument that the growth of the U.S. deficit exemplified the failure of the political class and precipitated economic decline. Fifty-six percent of Perot voters said they had backed Bush in 1988; only 17 percent of them had been for Dukakis. Disproportionately, they were demographic and attitudinal Republican voters who left Bush not for a Democrat but for a man they perceived as a no-nonsense billionaire interested only in restoring America's greatness.

The Bush Candidacy

Together with the boost his candidacy received from Ross Perot, Clinton also received considerable (unintended, of course) help from the president himself. Given the range of problems they are expected to help solve and the many diverse political and managerial skills they are expected to possess, modern presidents often have trouble measuring up, and they see their popular standing plunge. Still, no president has seen as sharp a reversal in his fortunes as did George Bush, and part of this was his own doing. At the conclusion of the Gulf war in early March 1991, a Gallup poll recorded Bush's public approval at an extraordinarily high 89 percent. Only 8 percent said they disapproved his handling of the office. Twenty months later, however, Bush's approval stood at around 35 percent. A survey taken by CBS News on 16 and 17 October 1992, two weeks before the election, found just 36 percent of respondents approving Bush's overall performance as president, while 59 percent disapproved. Presidents whose leadership gets approval scores in the thirties are bound to have trouble winning reelection. George Bush's defeat on 3 November at the hands of Democrat Bill Clinton followed the long erosion of his popular standing, which occurred over the last six months of 1991 and much of 1992.

Bush's steep decline has been attributed in large part to economic worries. However, it's instructive to review other possible sources of his political decline originating in the leadership style and approach he brought to the presidency. No one wins the office without having considerable abilities and strengths. But every president has his weaknesses too. The strengths and weaknesses often stem from the same basic approach to handling the office, which may work well in some circumstances and conditions and poorly in others.

Bush got generally good marks in personal terms. "Sinister" was not an adjective that has often been applied to him as it was, for example, to Richard Nixon. In a survey taken 5-7 February 1992 by ABC News and the *Washington Post*, 82

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percent of those polled said Bush was well described as "decent"; 71 percent said "moral" was well applied; 65 percent said "honest" was appropriate. And this survey was taken at a time when his overall rating as president had already fallen sharply, and he had the approval of less that half the populace.

But if many features of Bush the man were readily understood and in large measure noted approvingly, his policies and his animating vision for the country prompted uncertainty and criticism. The question of where Bush belonged on the American political spectrum kept getting raised. Was he really a conservative or in fact a pragmatist, one who lacks a fixed policy, adopting instead whatever works? Was he a leader who lacked a coherent political philosophy and was vulnerable, at least in domestic policy, to being influenced unduly by his advisers or to being tossed to and fro in shifting political winds? Was his presidency driven too much by a belated response to events?

One reason George Bush's presidential leadership proved to be such a puzzle is that it combined two approaches that are often thought to be contradictory. On the one hand, he espoused many of the tenets of contemporary mainstream Republicanism. Like many in his party and like his predecessor, Ronald Reagan, Bush believes that government has grown excessively in recent decades and that its growth needs to be curbed. Like many in his party, too, he thought that greater emphasis should be placed on the individual's exercise of responsibility through family and community life. This approach is one that Kerry Mullins and Aaron Wildavsky have called "individualist." They wrote that "Bush's individualist sympathies are particularly evident in the economic realm. Rather than taking a paternalistic attitude toward social welfare issues, he appears to prefer market solutions and freedom of choice. Free-enterprise zones [where government encourages private investment through tax concessions and the like] are offered as a remedy for economically distressed areas of the country. [And Bush] took a strong stance against a large increase in the minimum wage, emphasizing employer choice over worker protection."[19]

At the same time, though, Bush's ideals and goals are inclusionary. As president, he sought "to integrate all elements of the American polity (classes, races, regions, interests, even political opponents) into a cohesive whole. . . ."[20] This commitment seems rooted deep in Bush's personality. In all of his dealings he was inclined to conciliation. "We need compromise," he said in his inaugural address: "we've had dissension. We need harmony; we've had a chorus of discordant voices." Speaking of tensions between the executive branch and Congress, he lamented that "we have seen the hard looks and heard the statements in which not each other's ideas are challenged, but each other's motives."

[19] Kerry Mullins and Aaron Wildavsky, "The Procedural Presidency of George Bush," *Political Science Quarterly* 107 (Spring 1992): 32. See, too, Mullins and Wildavsky, *The Beleaguered Presidency* (New Brunswick, NJ: Transaction Books, 1992).

[20] Ibid., 32.

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Often Bush was pulled one way by his conservative individualism, another by his commitment to compromise as proper due process in intergovernmental affairs or by his commitment to inclusion in dealing with the groups making up the populace. One of the most politically costly decisions of his presidency came, for example, in the fall of 1990 in the wrangle with Congress over the federal budget. Bush had run in 1988 on a promise of "no new taxes"—a pledge consistent with his party's belief that government had grown too large. In the budget battle, though, Bush was pulled in the opposite direction by his preference for compromise (here with the Democratic leadership of the Congress) over confrontation and by his belief that interbranch give-and-take is not only unavoidable where one party controls the executive and the other the legislative, but that it accords with due process. But when he compromised on his no-new-taxes pledge and backed tax hikes, Bush seemed to waffle. Clinton hit Bush hard in the 1992 election on breaking that pledge.

Similarly, his insistence on less governmental and more individual responsibility pushed Bush in one direction when dealing with the country's racial problems, while his desire to see black Americans better integrated into the national community pushed him in another. Such conflict led to a type of waffling that sprang from a tension between conflicting sets of values, each genuinely held.

Envoi

The Democrats regained the presidency in 1992 after three straight losing efforts. While the electorate seemed to be moved largely by a combination of short-term forces, by bringing Clinton to power it gave the Democrats the chance to have an administration widely seen as successful—something they haven't had since the mid-1960s, before problems stemming from the Vietnam war toppled Lyndon Johnson. And should this transpire, there may well be long-term partisan consequences. In particular, the Democrats might strengthen their image and standing as a governing party. Conversely, a general sense that Clinton and his colleagues had managed foreign and domestic national affairs badly could easily rekindle the concerns that bedeviled Democratic presidential bids over the two preceding decades.

It's also likely that public judgments in the months and years ahead about the performance of the Clinton administration will affect the future of Ross Perot's movement. Many of the structural factors that contributed to the strength of Perot's 1992 run—weakened party loyalties and party organization, television's central and highly plebiscitary role in the new electoral order, etc.—will only be enhanced in the future. The decisive impetus to Perotism in the last election, however, was the sense that economic management was being botched. Any pronounced sense of political failure under Clinton is likely to stimulate efforts at institutionalizing some political third force.

Voters ended divided government in the 1992 balloting. There is no indication that they did anything to curb the conditions that have encouraged it. Americans

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remain highly ambivalent on many key questions of public policy, including government's proper role. Congressional incumbents still hold disproportionate resources vis-à-vis their challengers. Together with a diminished inclination to vote for parties, but instead to vote for individual personalities, it's harder than in times past for the electorate to achieve coherent political control and change through elections—control which among other things leaves the executive and legislative branches in the same partisan hands in the normal order of things. Americans are still seemingly not convinced that they need stronger and more responsible parties. I believe they really do.

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The Year of the Woman? Candidates, Voters, and the 1992 Elections

MICHAEL X. DELLI CARPINI
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The struggle for political power has been long and difficult for women in the United States. The barriers to participation in politics have been both legal and cultural, overt and subtle. In colonial America there were few direct limits on women's participation. However, the combination of franchise restrictions based on property ownership and the overwhelming propensity for property to be held in a man's name meant that few women participated in electoral politics as either voters or officeholders.[1]

In one of the great ironies in American political history, the war for national independence led directly to the overt disenfranchisement of women in the United States. The national constitution left the determination of voter eligibility to the newly formed states. The revolution, with its emphasis on political rights, created pressure for moving away from property-based eligibility for suffrage. In being forced in the writing of their constitutions and their voting laws to confront de jure property-based restrictions, states also had to confront the de facto prohibi-

[1] R. Darcy, Susan Welch, and Janet Clark, *Women, Elections, and Representation* (New York: Longman Press, 1987), 3–6.

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tion that existed for almost all women. By 1807 every state explicitly prohibited women from voting. The impact of these changes were profound. By 1840 over 80 percent of white adult males were eligibile to vote in local, state, and national elections in the United States, up from less than 25 percent at the turn of the century. Over essentially this same period (1807 to 1838) no woman was eligible to vote in any governmental election.[2]

The period from 1838, when Kentucky granted limited suffrage to women, through 1920, when the Nineteenth Amendment to the United States Constitution granted women full suffrage, was marked by state-by-state variations in voting rights. While the period after 1869 (when Wyoming became the first territory or state to grant full political equality to women) was one of expanding states' voting rights for women, the vast majority of women were still disenfranchised during the first two decades of the twentieth century.[3]

With the ratification of the Nineteenth Amendment, women were granted legal access to the ballot box equal to that of men. Initially, their actual exercise of the franchise lagged behind that of men. Moreover, the women who did vote were likely to reflect the vote preferences of their husbands. The women's vote that the early suffragettes had hoped for—women voting as a block for candidates who supported a social reform agenda including child labor laws, minimum wage, health and housing regulations—never materialized.[4] Not until the late 1960s did the gap between men and women in both voter registration and turnout for national elections all but disappear. Since 1980 the turnout rate for women in presidential elections has equalled or exceeded that of men. Given that women make up slightly more than half the adult population, they have constituted an absolute majority of voters in presidential elections since 1964. Similar trends in turnout can be found for nonpresidential elections. In the realm of voting, gender-based de jure and de facto barriers to participation have been removed.[5]

Yet in order for women to make a difference in electoral politics three conditions must be met. First, women's policy concerns must be different from men's; second, candidates must address the issues that women are concerned with, and women must also be able to discern differences among candidates on these issues; and third, women must ultimately be willing to vote for candidates on the basis of their stands on these issues.

[2] Frank Sorauf, *Party Politics in America* (Boston: Little Brown, 1984), 20; Darcy, Welch, and Clark, *Women, Elections, and Representation*, 6-7; Chilton Williamson, *American Suffrage from Property to Democracy* (Princeton, NJ: Princeton University Press, 1960), 115.

[3] See Elizabeth Cady Stanton, Susan B. Anthony, and Matilde Gage, eds., *History of Woman Suffrage* (Rochester, NY: Charles Mann, 1887); Helen L. Sumner, *Equal Suffrage* (New York: Harper, 1909); and Darcy, Welch, and Clark, *Women, Elections, and Representation*.

[4] Sandra Baxter and Marjorie Lansing, *Women and Politics: The Visible Majority* (Ann Arbor: University of Michigan Press, 1983), 17-22; Ethel Klein, *Gender Politics: From Consciousness to Mass Politics* (Cambridge, MA: Harvard University Press, 1984), 13-21.

[5] Harold Stanley and Richard Niemi, *Vital Statistics on American Politics* (Washington, DC: Congressional Quarterly Press, 1990), 80.

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Ironically, the traditional women's rights issues, championed by the women's movement, are not the issues over which men and women disagree. These issues include abortion rights, support for the equal rights amendment (ERA), support for legislation guaranteeing equal pay for equal work, and willingness to support women candidates.[6] However, there are gender gap issues that relate to attitudes toward violence, defense spending, nuclear war and power, social welfare programs, and the environment. Scholars have argued that differences in attitudes among men and women on these issues go back to the 1930s. When candidates distinguish themselves on these issues, women are more likely than men to support the candidate with the kinder and gentler policy stance.[7] Clearly 1992 provided the right combination of conditions for linking the gender gap in public opinion with the outcome of the presidential election.

Demonstrating that men and women exercise their franchise with equal regularity is not to suggest that gender equality has been achieved in electoral politics, however. Voting is only half the battle for women to wield political influence proportionate to their numbers. Equally important is for women to be directly involved in the day-to-day process of making public policy. This requires that women be adequately represented in the ranks of local, state, and national elected officials—a point dramatically illustrated during the televised Senate confirmation hearings for Clarence Thomas's appointment to the Supreme Court. And yet here progress for women has lagged far behind. In recent years the percentage of seats in the U.S. House of Representatives held by women has hovered between 5 and 6 percent, barely above the 2 percent held by women in the years immediately following passage of the Nineteenth Amendment. The numbers are even worse in the U.S. Senate, where, before the 1992 elections only two of the seats were held by women and where as recently as 1979 there were no women senators. Of the advanced industrial democracies of Europe and North America, only Great Britain's parliament has had as dismal a record as the U.S. Congress over the past century.[8] Except for Geraldine Ferraro's historic vice presidential bid in 1984, no woman has even been nominated to run for the vice presidency or presidency.

The numbers have been somewhat more encouraging at the state and local level. True, before the 1992 elections only three of the nation's fifty governorships

[6] Robert S. Erikson, Norman R. Luttbeg, and Kent L. Tedin, *American Public Opinion* (New York: Macmillan, 1988), 202–203; Laura L. Vertz, "The New Feminist Politics" in Benjamin Ginsberg and Alan Stone, eds. *Do Elections Matter?* (Armonk, NY: M. E. Sharpe, 1986), 136–137.

[7] Erikson, Luttbeg, and Tedin, *American Public Opinion*, 199–202; Kathleen A. Francovic, "Sex and Politics—New Alignments and Old Issues," *PS* 15 (Summer 1982): 439–48; Vertz, "The New Feminist Politics," 138–140; Robert Y. Shapiro and Harpreet Mahajan, "Gender Differences in Policy Preferences: A Summary of Trends from the 1960s to the 1980s," *Public Opinion Quarterly* 50 (Spring 1986): 42–61.

[8] Norman Orstein, Thomas Mann, and Michael Malbin, *Vital Statistics on Congress* (Washington, DC: Congressional Quarterly, 1990), 212–265; Darcy, Welch, and Clark, *Women, Elections and Representation*, 67–69.

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were held by women. However, in recent years almost 20 percent of other elected state-wide executive offices (for example, lieutenant governor) have been held by women, as have over 15 percent of state legislative seats. And approximately 10 percent of the nations mayors and 20 percent of town and city council members are women. While even the best of these numbers is far below the 51 percent that corresponds to women's proportion of the population, they are significantly higher than the figures for national office summarized above. Indeed, in some states as many as a third of the legislative seats have been held by women.[9] This greater success for women at the state and local level has led some scholars to suggest a kind of trickle-up theory in which women have slowly been working their way up the political ladder. Gains at the national level, according to this argument, are simply a matter of time.[10]

In 1992, women's time may have come. Deemed the Year of the Woman by some, a number of factors combined to open the door wider for women seeking higher office. The end of nearly half a century of cold war and an almost reflexive reaction in the aftermath of the Persian Gulf conflict turned the nation's attention inward to domestic problems. And there was no shortage of problems. A deep and prolonged economic recession combined with twelve years of federal neglect had expanded the ranks of the unemployed, the poor, and the homeless. The nation's economic and transportation infrastructure was inadequate. America's education system seemed to be failing in important ways. Health care costs were spiralling out of control while the quality of health care for most Americans declined. Environmental degradation was reaching crisis proportions. Inner cities, nearly abandoned by federal government, had become tinder boxes for economic and racial conflict. Twentieth-century diseases like AIDS were spreading with alarming speed, while nineteenth-century diseases like tuberculosis were making an ominous comeback.

Why would increased attention to domestic politics be of special advantage to women candidates? In part, because women have been especially hard hit by these problems. Supreme Court decisions in *Webster v. Reproductive Health Services* (1989) and *Rust v. Sullivan* (1991) chipped away at the right to an abortion, reenergizing what had become an admittedly complacent pro-choice movement. Women, who earn on average 60 percent of what men do, suffer disproportionately in a failing economy. As the primary care givers in most families, they most directly feel the pinch of tighter budgets and the pain of inadequate health care. And women are most likely to be victimized by violent crime, a seemingly unavoidable outgrowth of hard economic times and deteriorating inner cities.

The easing of cold war tensions and the ascendancy of domesetic affairs also serve women well as candidates, because women as a group have historically

[9] "Female Ranks in Elected Jobs Get a Big Boost," *New York Times*, 8 November 1992.
[10] Darcy, Welch, and Clark, *Women, Elections, and Representation*, 93–108, 132–146.

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been more dovish than men—a stance that is often viewed with suspicion during times of international conflict. According to public opinion polls, women are more likely than men to favor humanitarian foreign aid over military aid. They are also more likely than men to call themsleves doves and to have viewed U.S. entry into both World Wars and the Korean and Vietnam conflicts as mistakes. Greater pacifism among women survived into the relatively more hawkish era of the 1980s and 1990s. According to national polls, women were 15 percentage points less likely to support the development of star wars and 19 percent more likely to oppose U.S. involvement in Central America. And a Harris poll conducted prior to the start of the Persian Gulf war showed that 73 percent of women opposed attacking Iraqi forces, a view shared by only 48 percent of men. Women were also slightly less likely than men to support surgical air strikes against Iraq.[11]

The less militaristic stand of women on foreign policy had domestic corollaries of relevance to women as candidates in 1992. According to polls conducted in the mid-1980s, women were 9 percent less likely than men to support the death penalty and 21 percent more likely to favor the banning of handguns. Women also appear more progressive (more compassionate, according to some) than men on other social issues. They were, for example, 8 to 17 percent more likely than men to support government involvement in health care, in the reduction of income differences between rich and poor, in the provision of jobs, and in the maintenance of social programs. Women were also 12 percent more likely to support the closing of all nuclear power plants after the Three Mile Island accident in 1979, and gender differences as great as 20 percent have been found in support for nuclear power. Reasonably large gender differences can also be found on some civil liberties issues, especially those that intersect with concerns of family and child raising. Women are what is normally considered more anti-civil libertarian than men. For example, women were from 6 to 17 percent less likely to allow X-rated movies, to legalize marijuana, or to allow communists to teach in colleges. They were also 10 percent more likely to choose "traditional values" on issues of sexual morality, family life, and religion.[12]

The final potential advantage gained by women candidates as the nation's attention turned to domestic politics is in some sense a double-edged sword. Largely because of their traditional role as mothers and keepers of home and hearth, domestic politics and social welfare issues have always been treated as a more legitimate arena for women. It is no coincidence that the Prohibition

[11] For evidence of women's more pacifist or dovish stands, see Alfred Hero, "Public Reaction to Government Policy" in John Robinson, Jerrold Rusk, and Kendra Head, eds., *Measures of Political Attitudes* (Ann Arbor, MI: Institute for Social Research, 1968); Gerald Pomper, *Voter's Choice: Varieties of American Electoral Behavior* (New York: Dodd, Mead, 1975); Shapiro and Mahajan, "Gender Differences in Policy Preferences"; and Erikson, Luttbeg, and Tedin, *American Public Opinion*.

[12] Statistics regarding the gender gap in public opinion are drawn from Shapiro and Mahajan, "Gender Differences in Policy Preferences"; Erikson, Luttbeg, and Tedin, *American Public Opinion*; and Baxter and Lansing, *Women and Politics*.

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party, which was dominated by women, was among the first to champion domestic reforms such as women's suffrage, a national income tax, the direct election of U.S. senators, and child labor laws.[13] Issues of childcare, healthcare, education, drug abuse, and so forth bridge the gap between private and public life and make it easier for women to cross into public life. Even the word "domestic," which comes from the Latin word for "house," highlights this connection.

Beyond the prominence of domestic politics, women candidates benefited from three additional factors in 1992. First, in hard economic times, voters rightly or wrongly tend to punish the president's party, and over the last two decades women have been more likely to run for office as Democrats than Republicans. Equally important, since at least 1980 women voters have been more likely than men to identify with the Democratic party and to support Democratic candidates.[14] Second, incumbency is a tremendous advantage in congressional elections; on average well over 90 percent of incumbents who run for reelection win. Since most incumbents are men, this creates a kind of electoral glass ceiling for women. However, the unprecedented wave of retirements (sixty-six) and primary losses (19) among members of Congress in 1992, and the redrawing of district lines that occurs after every national census meant that many women candidates were running for open seats in which there was no incumbent, dramatically improving their chances not only of running, but of winning. And third, the general disenchantment with Washington politics as usual, illustrated by Bill Clinton's campaign slogan that he was the "candidate of change," and Ross Perot's unprecedented rise from obscurity to presidential contender also gave an advantage to women, the ultimate political outsiders. Who better, ironically, to clean the House than women?

Long-term trends in women's integration into public life may have provided the firewood, and the circumstances of the 1992 election may have been the kindling, but it was the Anita Hill-Clarence Thomas spectacle that set the resurgent women's movement ablaze. Public consciousness was dramatically raised about both the tenuous position of *Roe v. Wade* and the sordid, degrading realities of sexual harassment in the workplace. Equally important, however, the televised image of the all-male Senate Judiciary Committee put in stark relief the gender imbalance in Congress, and the very tangible relationship between who represents women and the quality of their lives. Because of those hearings, many voters decided that if given the chance they would vote for a woman candidate, in part because she was a woman. Because of those hearings a number of party and grassroots organizations redoubled their efforts to find and fund

[13] Steven Rosenstone, Roy L. Behr, and Edward Lazarus, *Third Parties in America* (Princeton, NJ: Princeton University Press, 1984), 75–78.

[14] Stanley and Niemi, *Vital Statistics on American Politics*, 98–100; Michael Nelson and Associates, *The Election of 1984* (Washington, DC: Congressional Quarterly Press, 1985), 106; Michael Nelson and Associates, *The Election of 1988* (Washington DC: Congressional Quarterly Press, 1989), 82.

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women candidates. And because of those hearings a number of women decided that they would put themselves on the line and run for local, state, and national office.

Women's political organizations were particularly important in 1992. Groups like NOW, The National Women's Political Caucus, Emily's (Early Money is Like Yeast) List, the Women's Campaign Fund, and the Fund for a Feminist Majority channelled resources, volunteers, and expertise to the burgeoning number of women candidates. And a new organization, Wish (Women in the Senate and the House) List, was formed by Republican women to support their party's candidates who favor abortion rights. More women than ever before had chosen to fund women campaigning for elective office, and these groups provided the conduit for many in the newly energized political majority. 1992 marked a coming of age for these women's political organizations, which had exceeded past records in raising money for women candidates. For example, the Women's Campaign Fund more than doubled their receipts from 1990 to 1.2 million.[15] Emily's List grew from 3,500 to 24,000 members in less than a year and also quadrupled its donations over 1990 to more than $6 million.[16] If this activity is sustained, the traditional advantage that men have had over women candidates in fundraising for their campaigns will be permanently erased.

More women ran for public office in 1992 than ever before in U.S. history—a significant accomplishment in and of itself. But how did they fare?[17] None of the three women running for governorships won, but twenty-one of the thirty-four female candidates for other statewide executive offices did, including all four who ran for state attorney general, four of the seven who ran for lieutenant governor, three of the five who ran for state treasurer, and two of the five who ran for secretary of state. In addition, a record number of state legislative seats were won by women. While these victories only add incrementally to women's totals, a little more than 20 percent of all state-wide elected offices and a little less than 20 percent of all state legislative seats are now held by women. When the 147-member Washington state legislature convenes in 1993, nearly 40 percent of the legislators will be women—the highest percentage in the country and the closest to the elusive 50 percent mark ever achieved by a state congress.

Women candidates fared well for national office as well. In the Senate, four of the eleven women candidates were elected, with Lynn Yeakel losing a very

[15] As reported to authors by the Women's Campaign Fund, 2 March 1993.

[16] R. W. Apple, Jr., "Steady Local Gains by Women Fuel More Runs for High Office," *New York Times*, 24 May 1992; Richard L. Berke, "Women Discover the Political Power of Raising Money For their Own," *New York Times*, 31 May 1992; and Timothy M. Phelps, "'92, A Year of Her-story," *New York Newsday*, 4 November 1992. Statistics for the Women's Campaign Fund and Emily's List were updated by the authors through phone conversations (2 March 1993) with representatives of both organizations.

[17] Public opinion and voting statistics from the 1922 elections were drawn from *New York Times* election coverage from 4, 5, and 8 November 1992. Exit poll data reported in the *New York Times* (and elsewhere) was collected by Voter Research and Surveys.

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close race in Pennsylvania to incumbent Arlen Specter, one of the principal villains in the Anita Hill-Clarence Thomas controversy. In the process, several firsts were achieved. There are now a record six women in the Senate. Carol Moseley Braun of Illinois is the first African-American woman elected to the Senate. And California is the first state in which both U.S. Senators are women—Barbara Boxer and Dianne Feinstein. Of the record 106 women running for the House, 47 of them won, including 24 nonincumbents. This brought the percentage of women in the new House to nearly 11 percent—also a record. Not surprisingly, five of six women senators and thirty-five of the forty-seven congresswomen are Democrats. All of the newly elected female members of Congress also support abortion rights.

Was there a gender gap in the presidential vote? Forty-six percent of women as compared to 41 percent of men voted for Bill Clinton. Since 1980, women have been giving the Democratic presidential candidate more votes than the Republican, but their allegiance to Bill Clinton was especially important in the 1992 three-way race. The most striking examples of the gender gap are within educational groupings. The greatest disparity between men and women existed at the two ends of the educational achievement scale. Female college graduates voted 49 percent for Clinton as compared to the 40 percent support he received among males with the same level of education. Also, 58 percent of women without a high school diploma voted for Clinton, while only 49 percent of men in this educational group supported him. While the most highly educated women made up 20 percent of the electorate and the least educated women only 3 percent, it is clear they share some common ideological ground. It appears that neither group of women identified with the one dimensional image of family values portrayed at the Republican National Convention.

It would, of course, be a mistake to treat these numbers as evidence that the battle for equal representation for women has been won. Six percent of the Senate, 11 percent of the House, even 20 percent of state legislatures and executive offices is still underrepresentation. Success also varies dramatically by state. For example, only 4 percent of Kentucky's 1993 state legislature will be women. And only three of the twenty-four women who won a seat in the House actually defeated incumbents. Nonetheless, a poll conducted for *U.S. News and World Report* asked whether the country would be "governed better" if more women held public office: 61 percent responded yes, and 12 percent no. In 1984, only 28 percent thought women office holders would improve things. Significantly, in the 1992 poll, 80 percent of women under 30 wanted more women in office.[18] It seems clear that 1992 has been a watershed of sorts and that the 1990s may well be the Decade of the Woman.

[18] As reported in "Will 1992 Be the Year of the Woman?" *U.S. News and World Report*, 27 April 1992.

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Minority Political Empowerment in New York City: Beyond the Voting Rights Act

FRANK J. MACCHIAROLA
JOSEPH G. DIAZ

The 1991 elections for the New York City Council resulted in substantial political change in the composition of that body. Minorities of virtually every description found themselves in new positions among the city's politically empowered communities. This article discusses how the districting process resulted in fundamental changes to the city's legislature. It suggests that the 1965 Voting Rights Act (the act)—including its 1982 amendments and the developing case law—is not the most appropriate method or tool by which to address the continuing empowerment of minority communities after their members are elected to public office in substantial numbers. The authors, who were key participant observers in this process, argue that the New York City districting process was a logical outgrowth of the act and that the act must be expanded to meet new needs.

Twelve African Americans (up from six) and nine Latinos (up from three) were elected to the new council. For the first time in the history of the city, a minority council member was elected to represent a district where less than 80

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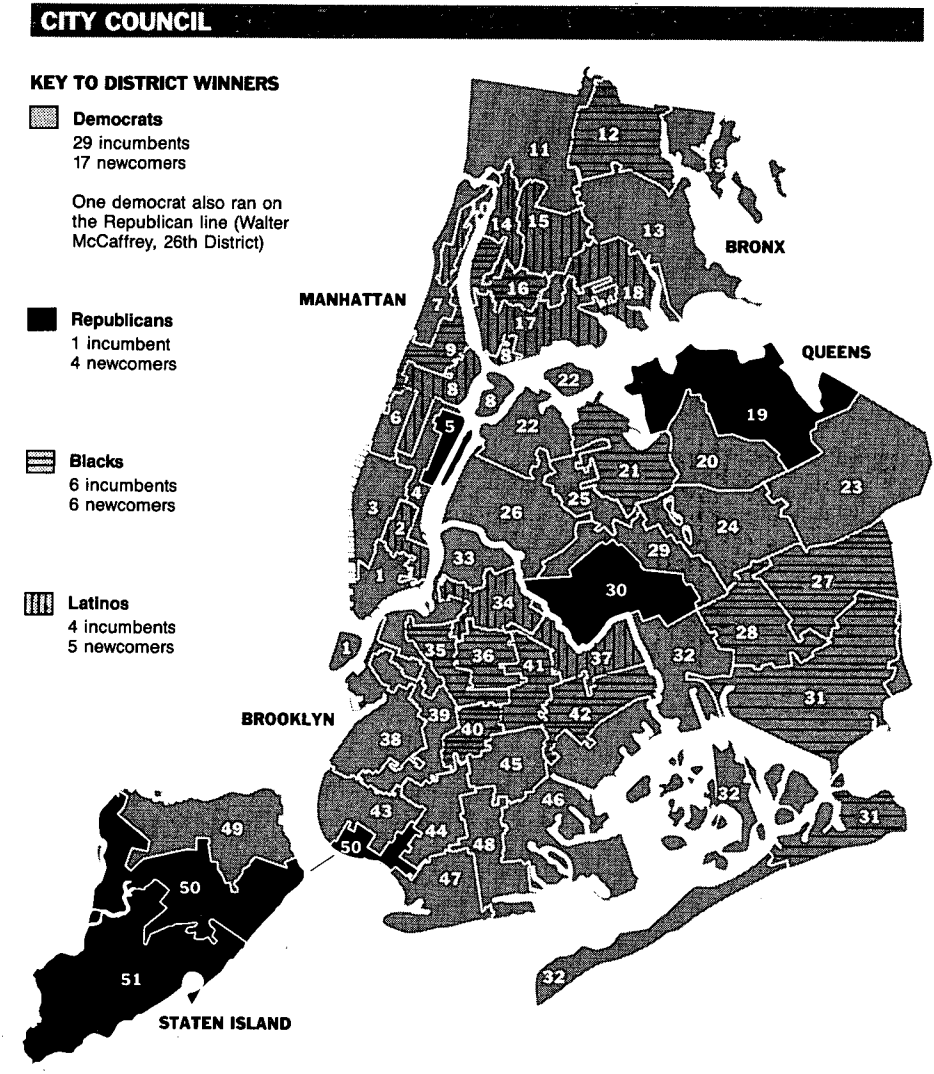

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percent of the voting age population was minority. Indeed, this development occurred in four such districts. Two white council members were elected from districts where less than 20 percent of the voting age population were white. As for the minority political party, the number of Republicans increased from one to five. Two openly homosexual men were elected to the city's legislative branch. And five of the incumbents on the thirty-five seat council—or one seventh—either refused to run in new districts or lost in the primary or general election. The city saw its first Dominican and first Caribbean council members. A diversity intended by the 1988 Charter Revision Commission exceeded most expectations.[1]

Even considering that the council expanded in size by 45.7 percent (from 35 to 51), the effective increase in racial and language minority representation on the City Council was 15 percent of the body, from 26 percent to 41 percent. For the minority party, representation on the council increased by 7 percent of the body, from 3 percent (1 of 35) to 10 percent (5 of 51). Although the work of the Districting Commission, which had established the new political districts for the 1991 election, had been difficult and controversial, it had succeeded in its primary goal: the increased empowerment of various minority communities through a more diverse city council.

Reasons for Redistricting

New York City's redistricting was required because of two events. The first was the 1990 census which affected the constitutional mandate that districts be drawn in accordance with "one person, one vote" requirements.[2] The second was peculiar to New York City. Revisions to the structure of the city's legislature, required because of successful court challenges to the previous form of local government, were mandated by a newly enacted City Charter. The second event had been a long time coming, as the City of New York had resisted for more than a decade legal challenges to its unique and unconstitutional form of government.

The first blow to New York City's long entrenched form of government came in the early 1980s. In 1981, the United States District Court for the Eastern District of New York held in *Andrews v. Koch*, 528 F. Supp. 246 (E.D.N.Y. 1981) that the charter provision providing for two at-large council seats from each borough was constitutionally infirm. The ten at-large council seats, over 22 percent of the council, did work to guarantee partisan diversity on the council for five of these seats were reserved for minority parties, that is, non-Democrats. Judge Edward R. Neaher based his decision on the same general ground he would

[1] The Charter Revision Commission, which had developed many of the changes in the New York City Charter that it hoped would increase minority participation as well as representation, had estimated that only eighteen of the fifty-one council districts would be represented by minorities. See, The 1988 New York City Charter Revision Commission, *Final Report of the New York City Charter Revision Commission: January 1989–November 1989*, March 1990.

[2] *Reynolds v. Sims*, 377 U.S. 533 (1964).

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use later to invalidate the Board of Estimate: given the unequal distribution and wide range of population among the various boroughs (Brooklyn had over six times the population of Staten Island) equal representation at the at-large level violated the one person, one vote principle derived from the Fourteenth Amendment and articulated in *Reynolds v. Sims*.

As the at-large council members were elected on a borough-wide basis, those seats themselves served neither narrowly definable constituencies nor the larger city population. Rather, the election of these council members, "underscored the danger of apportionment structures that contain a built-in bias tending to favor particular geographic areas or political interests or which will necessarily tend to favor, for example, less populous districts over their more populous neighbors."[3]

The next change in the structure of the New York City government also came as a result of court decision. In *Morris v. Board of Estimate*, 489 U.S. 688 (1989), the U.S. Supreme Court, affirming decisions below, ruled that the Board of Estimate, a quasi-legislative body that existed alongside the City Council, also violated the equal protection clause of the Fourteenth Amendment. Once again, a powerful city-wide arm of the local government was found unconstitutional:

> If districts of widely unequal population elect an equal number of representatives, the voting power of each citizen in the larger constituencies is debased and the citizens in those districts have a smaller share of representation than do those in the smaller districts. Hence, the Court has insisted that seats in legislative bodies be apportioned to districts of substantially equal populations. . . . That the members of New York City's Board of Estimate trigger this constitutional safeguard is certain.[4]

While the *Morris* case was making its way through the courts, revisions to the New York City Charter were made by city charter commissions that were appointed by the mayor. In 1989 the voters adopted a new charter that abolished the Board of Estimate, increased the number of council members, and provided for redistricting to be done by a Districting Commission composed of appointees of the mayor and City Council. This commission was required to follow charter guidelines and criteria for districting. In order to fill the power vacuum left by the elimination of the Board of Estimate, the Charter Revision Commission decided to parcel out the board's old authority and powers between the legislative and executive branches of city government. The Charter Revision Commission also considered developing different governmental bodies, such as a Board of Estimate with weighted voting or a bicameral local legislature, as a method to reallocate the unconstitutionally composed Board of Estimate's duties and authority. It attempted to strengthen the role of the legislature, and as a result, the City Council was given new authority in budgetary, land use, and contracting

[3] *Andrews v. Koch*, 528 F. Supp. 246, 249 (E.D.N.Y. 1981), 249; Aff'd, 688 F.2d 815 (2nd Cir. 1982); aff'd sub no, *Giacobbe v. Andrews*, 459 U.S. 801 (1982).

[4] 489 U.S., 693-694.

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matters, and was put on a more equal footing with the mayor. Along with this change in the actual structure of local government, the Charter Revision Commission decided to use the process of districting to make the City Council a more representative branch of government. The Charter Commission's stated goals concerning the enlarged city council were specifically set forth in its submission to the Department of Justice: "(1) to enhance opportunities for minority voters to elect candidates of their choice, (2) to increase the number of minority council members, (3) to maintain a council of manageable size in which all members can meaningfully participate, and (4) to increase council member's responsiveness by making those constituencies smaller, without making those constituencies so small as to foster parochialism."

The Charter Commission went far beyond simply satisfying the equal population principle as required by *Morris*. It intentionally created a more representative and accountable form of local governance. Indeed, the Charter Revision Commission viewed this court-mandated restructuring of New York City's government as an opportunity to increase minority influence on the council. The Districting Commission was well aware of this aim and worked to accomplish it. The changes in the structure of New York City's local government, then, provided fertile ground for diversifying a City Council strengthened with new authority, powers, and duties, and ultimately placed it on a more balanced footing with the executive branch.

Mechanics of Redistricting

Broadly speaking, legislative redistricting is the process by which state and local governments redraw the district lines of the representatives in the legislative bodies. The process is accomplished on a geographic scale, generally done on a census block level in order to ensure equal representation.[5] The universal criteria that all legislative districting activities must conform to is some form of equal population requirement coming from the Supreme Court rule of one person, one vote. This requirement calls for almost precise equality for federal congressional seats and is somewhat more relaxed at the local and state level.

When local government and state government reapportion their districts, they are able to modify the one person, one vote standard by certain local considerations that allow communities to be more appropriately represented.[6] Often state law will include provisions upon which these modifications are permitted. In New York City, this process takes into consideration many other factors, because of the requirement imposed on districting by the City Charter. These include considerations such as population density; established communities and neigh-

[5] Census blocks are the smallest geographical unit used by the U.S. Census bureau in counting the population. Public Law 94-171 1990 (U.S. Census Bureau Population Data). A census block in New York City often encompasses a city block.

[6] *Abate v. Mundt*, 92 S. Ct. 1904 (1971).

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borhoods; the ethnic, racial and religious backgrounds of the dominant communities in particular areas; concentrations of political party members; the system of boroughs; and other common interests of the various sections being redistricted. Provisions of this nature had been inserted into the City Charter as far back as 1975.

The process of introducing these new elements into the districting process took place in an atmosphere of some confusion. Redistricting usually attempts to reflect simple population changes on a geographical plane in keeping with the one person, one vote requirement. The theoretical underpinnings of redistricting are thus politically neutral, and most citizens and commentators expect that the task is usually equalizing the size of already existing units. The usual practice is further complicated by the fact that the districting is more often than not done by the legislative body itself. In such a situation, the need to accommodate incumbents often becomes the overriding political consideration that occurs in the process.[7] The tendency of self-perpetuating incumbency—or seeking tenure in the job—is facilitated by creating friendly districts that will most likely result in the particular incumbent's continued reelection.[8] This process is often helped by gerrymandering. As the ultimate political act of self-survival, gerrymandering most often strives not for reform or progress, but to maintain the status quo. It is, simply put, a process of system maintenance.

The creation of an independent districting commission for New York City operated to reduce, although not eliminate, an aspect of incumbency protection. The mechanism of a districting commission was set in place with the previous charters, originally included by the 1975 Charter Revision Commission.[9] Thus, its continuance was to be expected. Under the terms of the new charter, considerable effort was made to create a districting commission that could operate independently and be responsive to the needs of the city's minority community.

The commission maintained control and final approval of the districting plan, and there was no authority vested in the council to affect its decision. Although eight of the fifteen members were chosen by the council (five by Democrats,

[7] A. Balitzer, *The Commission Experience* (Claremont, CA: Rose Institute of State and Local Government, October 1979).

[8] Note the national movement away from perpetual office holding. In California, for example, the state's highest court has recently upheld a law limiting the terms of state legislators, stating that "restriction upon the succession of incumbents serves a rational public policy." California's Assembly members are limited to three two-year terms and state senators are limited to two four-year terms. "California High Court Backs Law Limiting Terms of State Officials," *New York Times*, 11 October 1991. See *Legislature of State of California v. Eu*, 286 Cal.Rptr. 283, 816 P.2d 1309 (Cal. 1991). (California's constitutional amendment limiting the terms of various state officials does not violate equal protection rights of either the voters or the candidates). Comparable term limits have been imposed on national legislators in a total of fifteen states. "Term Limits Set Us on the Road to Democracy," *New York Times*, 20 November 1992. In November 1991, however, the Washington state electorate defeated an initiative to restrict politicians' terms. "Term Limits Aren't Dead," Opinion, *New York Times*, 7 November 1991.

[9] Charter of the City of New York, 1975, Section 22(g).

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three by Republicans), events made it clear that the council's influence and control was significantly limited. The chair of the commission was to be chosen by its membership, and the mayor had seven appointees.

The commission was also required to be ethnically and geographically representative. The Charter Commission required that the commission be composed of "members of the racial and language minority groups of New York City which are protected by the United States voting rights act of nineteen hundred sixty-five, as amended, in proportion, as close as practicable, to their population in the city."[10] This language was much more specific in its instruction than the language of the 1975 Charter Revision Commission. Of the fifteen ultimately appointed, eight, or 53.3 percent were members of racial and language minority groups.[11]

The result was the creation of a districting commission in which a variety of constituencies and interests coexisted and competed: ethnically, whites and minorities were practically proportionally represented; geographically, residents of each of the five boroughs, as required by the charter, sat on the commission; politically, four political parties (Democrat, Republican, Conservative, and Liberal) as well as an independent were represented; and finally, the two basic branches of local government, the executive and the legislature, chose its membership. The balancing of these interests helped ensure an adherence to the districting criteria, including fidelity to their listed order; and that helped provide maximum competitiveness between candidates within the districts themselves, particularly in the districts where no incumbent resided. The Charter Commission ranked the local criteria, based on traditional districting requirements, as follows: neighborhood integrity; compactness; discouraging, thus minimizing, borough crossings; not permitting the intentional splitting of partisan concentrations; minimizing the lengths of district boundaries; contiguity; and limiting of borough crossings to only one between any two boroughs.

Besides operating independently, the Districting Commission also relied heavily on a highly skilled technical staff and utilized experimental state-of-the-art computer programs designed specifically to assist in the districting process. They were adapted for use in New York City and weighed such varying sociological factors as race and ethnicity, population density, voter registration and turnout rates, and the voting age population. The sophistication of this formerly tedious and inaccessible process had in the past reduced even the number of experts who could be involved. The computer technology of this decade made the process user friendly and capable of enhanced participation by the nonexpert.

[10] Charter of the City of New York, 1989, Section 50.b.1.

[11] On 3 August 1992, Judge Mary Johnson Lowe of the federal Southern District Court voided the City Charter provision requiring that the racial composition of the Districting Commission reflect the City's racial and ethnic mix. Lowe based her ruling on the grounds that the measure was too rigid, had no expiration date, and harmed innocent people who might be precluded from serving on future districting commissions. *Ravitch v. City of New York*, 90 Civ. 5752. The ruling had no effect on the results of the 1991 elections that occurred under the 1990 Districting Commission's council lines.

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In this manner, the commission looked well beyond U.S. Census data, as well as beyond the traditional limits of its use. It created a data file that was able also to maximize the voting capacity of communities traditionally excluded from the electoral process, whether because of their race, citizenship status, the fact that the primary language was other than English, low median age (voting age population), political party affiliation, or other nonconforming traits. These data, which had been specifically developed for council use and retained by university scholars, were also used in the congressional districting that was undertaken by the state judiciary when the state legislature failed to reapportion the congressional districts in 1992. In that process, former Districting Commission members and staff participated in the two-week effort, which resulted in districts that successfully passed Justice Department scrutiny and were the basis for the 1992 congressional election in New York State.

With varying political interests at stake and at odds, the commission, by nature of its membership and the process required by the charter for hearings and open meetings, allowed these concerns to be fully aired and openly debated among the fifteen commissioners and the public at large. These public deliberations functioned to maintain a healthy and genuine distance between the council members and the actual line drawers. This political, ethnic, and racial diversity contributed to heated discourse in the public meetings and in fact resulted in increased political balance and compromise in the final plan. It also acted to curb the influence of political insiders who were used to a less open process.

One example of this occurred in the borough of the Bronx. There, Hispanic leaders, including Bronx Borough President Fernando Ferrer, privately argued that instead of creating the four predominantly Latino districts that the commission was moving to create, the commission should instead create three stronger Latino districts, thereby assuring Latino representation in three safe seats.[12] The fact that the city's leading Latino political figure was willing to compromise Latino interests for political peace in the Bronx could have been used as an excuse by the commission to be less aggressive in asserting Latino claims to fair representation. Ferrer was unable to advance such a blatant political plan in public. In reality, this strengthening was really packing, and the commission membership chose to ignore his claim and to create the four Latino districts that did in fact elect four Latino representatives.

Although several members of the commission committed to the status quo also believed that three Hispanic districts in the Bronx would be preferable to four, the bulk of the commission agreed squarely that if the geography, population, and its density could support the creation of four Latino districts, that was how many should be created. Instead of maximizing by preserving, the commission simply sought to maximize.

[12] See, "Mapmaker, Mapmaker, Make Me a Map," *Village Voice*, 6 August 1991, which discusses Bronx Borough President Fernando Ferrer's position regarding three Latino majority districts versus four.

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The use of a commission as a mechanism for districting appears to have worked in primarily three ways. First, by distancing themselves from the electoral process and its political horse-trading, the commission was able to draw lines with a certain degree of independence in action and motive. Second, because of the statutorily required diversity in its membership—political as well as racial and ethnic—the commission was encouraged to advance the goal of more diversity. Third, the limitations set out by the Charter Commission on the ability of the Districting Commission to manipulate the order of the criteria, as well as the extent of their application, also functioned to create a plan with minority empowerment as its primary focus; subsidiary considerations were also in place. An important distinction between this particular commission and prior redistricting commissions was this commission's unique authority to adopt its plan without having to receive council approval.[13]

In addition to an independent commission and required adherence to the Voting Rights Act, the Charter Commission provided another mechanism for reform by listing the ranked criteria for districting. These seven criteria set out the framework for the work of the commission. Further, by ranking, the commission actually reduced controversy. Indeed, the most fractious issues within the commission were generally resolved on these very criteria.

The system created by the charter was not one designed and developed to invite political compromises, trade-offs, or self-defeating mandates. Although there was political debate and disagreement as to the interpretation of the criteria, the system provided checks and balances as to the application of the criteria. By not defining the criteria too narrowly, the charter also provided for flexibility in the application of criteria and political realities, such as competing local interests between minority communities (especially where they were comingled, as on the Lower East Side of Manhattan and parts of Brooklyn and Queens) and the placement of nonminority incumbents in such a manner as to maximize the opportunity for the preferred candidates of the minority voters. Moreover, by requiring only that the local criteria be applied "to the extent practicable," the criteria maintained flexibility.

The Guidelines for Redistricting

The Voting Rights Act

The process of creating a fifty-one district plan was made all the more difficult by the requirements of the Federal Voting Rights Act, which were also written into the charter criteria as the uppermost requirements over which none of the other criteria, save one person, one vote, could take precedence. In declaring that, however, an important factor that the Charter Commission did not anticipate was the interminority conflict not covered by the Voting Rights Act. The application

[13] Charter, § 1152(11) (j) (iii).

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of the act in a demographically diverse locale made the commission's work subject to more scrutiny and more uncertainty than usual. The Districting Commission's final product was subject to review under the constitutional mandate of equal population and Section 5 preclearance provision of the Voting Rights Act. In addition, the plan also had to satisfy the requirements of Section 2 of the Voting Rights Act.

Section 2 provides the legal basis for challenging any election practice or procedure that results in voter discrimination. It is invoked after the election. Its purpose is also to discourage discrimination against minority groups with respect to their opportunity for participation in the election process. In essence, while Section 5 functions in certain districts to ensure that a locale with a history of discrimination in electoral processes does not regress back to a discriminatory pattern in establishing its districts, Section 2 operates to test discrimination by examining election results in all districts. Pursuant to the terms of Section 5, acceptance of the changes by the Department of Justice, that is, pre-clearance, does not bar a lawsuit under Section 2 of the act. Thus, although a particular plan may not be retrogressive in its effect on the electoral process, that does not mean the plan cannot be later found discriminatory when election results are considered. New York City had to comply with both sections of the act.

Nowhere was the difficulty of satisfying both the federally guaranteed voting rights and the local districting criteria more apparent than in the minority communities themselves. According to Assistant Attorney General John Dunne, "In New York City, the situation was not simply black and white. Rather, due to the large numbers of Asians and Hispanics, the situation was black, brown, yellow and white, which immeasurably complicated our tasks and the task of the New York City Districting Commission. We found that blacks and Asians had been treated fairly but the Hispanic voting strength had been diluted, apparently as the result of an effort to augment black voting strength." He added, "our objections in New York were very narrowly focused and easily the commission was able to agree upon changes that met our objection without significantly disrupting the remainder of the plan."[14]

Thus, the Districting Commission's experience showed a significant deficiency in the Voting Rights Act. Congress developed it to address the problems raised in locales where whites in power were able to perpetuate (Section 5) or create anew (Section 2) systems of discrimination in the electoral arena, generally against blacks, Latinos, or Asians. The act was not developed with the foresight that the protected groups would eventually vie for representation among themselves. This point was raised even in the Department of Justice's 19 July 1991 objection letter:

> In our view, the New York City Districting Commission was faced with a job of staggering proportions, namely, to divide a city of over seven million people into 51

[14] Remarks of John Dunne before the National Conference of State Legislators, "Reapportionment," Orlando, FL, 13 August 1991.

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> new council districts *while addressing the historical inability of the many minority communities in the city to elect candidates of their choice. We also know that this enormous task necessarily involved many difficult choices; yet, the Commission has made great strides in drawing council districts which greatly enhance minority voting strength overall. In many areas of the city minority voters will now have an opportunity to participate in the electoral process and to elect candidates of their choice to office for the first time.* Thus, we have concluded that most of the districting plan satisfies the preclearance requirements of Section 5. . . . We are concerned, however, with the choices made throughout the districting process with regard to Hispanic voters. . . . [I]t seems that in at least two areas of the city, the inappropriate choice was made to draw particular districts at the expense of Hispanic voting strength causing the Hispanic electorate to be unfairly underrepresented on the council.[15]

Indeed, in the three districts to which the Department of Justice objected when the plan was first submitted—District 8 in East Harlem and two adjoining Brooklyn districts—the issues were between the minority groups themselves. In District 8, an intercounty Manhattan and Bronx district, the Department of Justice was concerned that the district was only nominally Latino but in actuality a black district. The commission cured this defect by going deeper into the South Bronx and slightly increasing its Latino component. In the Brooklyn districts, the Department of Justice stated that one district was packed with Latinos at the expense of the other, also making the latter district heavily black. The commission alleviated the concern by redistributing the Latino population in these districts in a more balanced manner. The objection letter from the Department of Justice also discussed two other districts, although neither of these was grounds for objection to the plan—District 21 in Queens and District 45 in Brooklyn.

The difficulty of determining the true meaning of the Voting Rights Act was further demonstrated by a controversy between blacks and Hispanics in Queens. Past elections in New York City had shown that a minimum of 80 percent combined minority total population in a council district was required before a minority candidate would be elected. As originally drawn, District 21 in the borough of Queens had a combined black, Latino, and Asian population of less than 80 percent. The Districting Commission was concerned that despite coming close to the 80 percent minority population threshold, the minority community of District 21 would not be able to elect a candidate of its choice. Coupled with this concern was the fact that in District 21, containing the communities of Corona, Jackson Heights, and East Elmhurst, large concentrations of noncitizen Latinos resided. High proportions of noncitizens meant simply that extra minorities would have to be included to avoid dilution of the Latinos' voting strength.[16] Accordingly, the commission included a heavily black housing complex in the final version of that plan.

[15] Letter from Assistant Attorney General John R. Dunne to the Districting Commission, 19 July 1991. (Emphasis added.)

[16] Although in the commission's final plan, District 21 contains a Latino voting age population of 53.2 percent, its Latino estimated voter registration is only 24.5 percent.

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In an effort to create a truly minority district that would possibly elect a black rather than have a purportedly Latino district that would probably elect a white, the commission increased the number of minorities by reducing the proportion of Latinos and increasing the proportion of blacks between the 16 May revised draft plan and the 3 June final plan. The commission accomplished this increase by including the heavily African American housing development called Lefrak City. The result was a district with the nonminority registered voter percentage at 30.3 percent rather than 36.3 percent. The commission assumed, as the data suggested, that African Americans are generally more politically cohesive with Latinos than with nonminorities. Thus, the commission designed a district it thought would best reflect the political opportunity of the minority communities in that district.

Latino groups were displeased with the final district as drawn, and made their displeasure known to the Justice Department. These groups argued that such a move resulted in a dilution of the otherwise securely minority—read Latino—district. In fact, they preferred that a white be elected rather than a black in a district that was actually not Latino. The Department of Justice agreed with Latino organizations that this was a dilution of the Latino vote in Queens. Accordingly, the commission adjusted the district to look more like the one presented in its 16 May 1992 revised plan. In this particular district, however, a black candidate, a state assemblywoman, was elected to the council.

Precisely one week after receiving an objection letter, the Department of Justice precleared the entire plan concluding "that the Districting Commission has remedied the objectionable features in the two areas of the city to which we interposed an objection on July 19, 1991."[17] The approved plan had only minor changes in the actual make up in each of the districts cited by Justice.

The objections to the commission's plan and the ease with which the commission responded exemplify the political nature of the preclearance process. Indeed, the politics of the Voting Rights Act will continue to play a complex role in the local and state districting processes as these localities become more minority. In District 21, for example, minor changes satisfied the Department of Justice but served as a political slight to the Queens African American community. And in the end, the change advocated by the Department of Justice only served to endanger the minority status of the district, to create tension between two minority groups, and arguably to disempower the minority community of Lefrak City.

Without legislative guidelines, there is a clear invitation to further politicize the districting process. This is most visible in the issue of determining how to arrive at a minority candidate of choice for competing minorities and how to measure political cohesion between different outgroups.

In the 1991 Council Districting, an issue that most clearly embodied one problem with the concept of the candidate of choice and the scope of the federal

[17] Letter from Assistant Attorney General John R. Dunne to the Districting Commission, 26 July 1991.

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statute was whether or not excluding white incumbents from minority districts was required under the Voting Rights Act.[18] This issue was addressed by the Justice Department because Council Member Susan Alter, an Orthodox Jew, felt she should be drawn into a minority district rather than be placed in a district with another incumbent Orthodox Jew. Soon after the final plan was released, Council Member Alter brought an action to stop the elections under the lines as drawn.[19] In its objection letter, the assistant attorney general requested that the commission correct the record regarding the department's views of putting a nonminority incumbent in a newly created minority district. The rationale given by several members of the commission, that Alter was not the candidate of choice of the bulk of the residents of this heavily Caribbean district, had been interpreted by the press and several politicians to mean that it was the commission's view that nonminority incumbents could not be districted into minority districts.

This interpretation was simply incorrect and a serious over-simplification of the commission's view by the media. In fact, the commission as a body had not dealt with the question in terms of whether they were legally required to exclude Alter from the minority districts it created. The commission had resolved the matter on a political basis. Creating minority districts without white incumbents was desired by several commissioners, and other commissioners had placed other priorities ahead of securing a district for Alter. To satisfy the Department of Justice, the final plan was redrawn to accommodate Alter, although by then she had become dissatisfied with the district in which her residence was placed. When, in a different lawsuit, the court voided the residency requirements for the 1991 council elections, Alter ran in the district of her choice and was elected.

The Department of Justice's comments regarding the commission's drawing of this district is a particularly good example of the growing political role of the federal government in local and state redistrictings. Under the guise of a Voting Rights Act issue—determining the minority candidate of choice—Alter was able to exploit her own local issue of incumbency protection into a federal claim on which the Justice Department felt concerned enough to comment. That the Justice Department would involve itself in a local political tussle of this nature was unanticipated by the commission. It was assumed to be part of a larger agenda of the Bush administration.

Other Attempts at Empowerment through Redistricting

The remainder of this article addresses how the act's guidelines were ineffective in resolving conflicts that arose among the competing political interests of minority groups and within subcategories of these groups. Indeed, the commission took

[18] The most recent and fullest pronouncement by a court that describes candidate of choice can be found in *Collins v. City of Norfolk, VA*, 883 F. 2d 1232 (4th Cir. 1989). It directly addresses the issue of what a candidate of choice is and how to determine who that person is.

[19] *Susan D. Alter, et al. v. Frank J. Macchiarola, et al.*, Civ. No. 91-2232 (E.D.N.Y.).

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the position in its deliberations that the scope of inclusion went beyond the Voting Rights Act. The Charter Commission's work made clear that the issues of New York City went beyond those of the federal statute. The minority groups that were not addressed within the act and hence came under special consideration included the Chinese and Puerto Rican communities in Lower Manhattan, the Dominicans in Manhattan's Washington Heights, other Hispanic groups in Queens, the Orthodox Jews and Caribbean blacks of Central Brooklyn, and the heavily gay and lesbian areas in the West Village and neighboring Chelsea in Manhattan. Knowledge and sensitivity to local political realities allowed the commission to go beyond the act and provide several of these historically overlooked groups with the kind of protections and guarantees upon which the act is based: the opportunity of excluded groups to participate effectively in the electoral process.

Asians and Hispanics in The Lower East Side

If New York City is an indicator of things to come—namely, the diversification of urban centers beyond the traditional black and white breakdown—then increased competition among other groups for scarce urban resources will continue. And the groups seeking them will have to be defined in political terms. The Voting Rights Act was not prepared to deal with the issue of how to treat these groups when their population is insufficient to form a minority district but enough to exert influence. In the city's recent districting, for example, several commissioners were of the opinion that a district in Manhattan should have been created by linking Chinatown and the heavily Latino Lower East Side and East Village to the north, instead of connecting the community of Chinatown with essentially nonminority areas to the south and west. This issue was the subject of considerable testimony at the commission's public hearings. As the process continued, this debate became more focused as both the Asian and Latino communities of Manhattan's Lower East Side saw the act's requirements differently and hence sought different solutions.

The decision in this situation also had to be put in a larger context. The Chinatown community presented the strongest opportunity for the first Asian American to be represented in any legislative body in New York City. With more than half a million inhabitants in the city, the Asians had never had any significant political influence. It was a matter of great political importance, since a series of black-led boycotts of Korean merchants had demonstrated both the power of race politics and the comparative impotence of Asian political leadership. Commission members desperately wanted to provide the Asian community with a council member of choice. Unfortunately, the number of and dispersal of Asians made the creation of an Asian district an impossibility.

Draft plans by the commission responded to this question, as did plans submitted by other concerned groups. In several of its proposed plans and in the last

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revised plan prior to the 3 June adopted plan, the commission decided to create two minority influence districts rather than create a single multiethnic minority district composed of Latinos and Asians. The alternatives proposed by both the Puerto Rican Legal Defense and Education Fund and the Asian American Legal Defense and Education Fund were to combine the Asian and Latino populations in one Lower East Side district. According to data provided by Lower East-Siders for a Multi-Racial District, this would have resulted in a district with 38 percent Asian, 32 percent Latino, 13.5 percent African American, and 16 percent nonminority total population, for a combined minority total of 83.5 percent. However, considering the low rate of citizenship for Asians in Chinatown, the district would be a minority district in name only.

This decision proved a particularly difficult one for the members of the commission. Because the testimony was conflicting, the commission thereafter reviewed evidence of political cohesion of the largely Chinese voting patterns in Chinatown and the largely Latino voting patterns in the Lower East Side. The three questions essentially reviewed were: Do Asians support the preferred candidate of the Latino voters (as opposed to the candidate of the nonminority voters) in local elections in which both groups participate? Do Latinos support the preferred candidates of the Asian voters in the same elections? Do both groups vote *against* nonminority preferred candidates in these elections?[20] Again, however, the data also proved inconclusive in terms of providing the commission with a clearly preferred method of designing a district that would satisfy Chinatown's political ambitions for representation in the City Council and conform to standards of the Voting Rights Act.

In addition to the evidence of political cohesion, the commission also considered arguments raised by each side. Both sides argued that the alternatives were candidate-driven. Asian organizations supportive of a link with nonminority communities argued that it would be unfair to make them compete with the Latino electorate to elect a candidate of choice. These groups also argued that a link to nonminorities offered a better chance to elect an Asian candidate. Opponents of the splitting of a multiethnic minority district argued that such a district would better serve minority interests, since it would be more likely to produce a minority council member or at least a member who would be sensitive to the needs of the electorate; that substantial Asian population is within that district; and that the Chinatown Asian population is socioeconomically different from that of white areas of the district and has many more interests in common with the Latinos of the Lower East Side, such as bilingual education, immigration, after-school childcare programs for working parents, affordable housing, drug abuse, and related law enforcement issues.

The commission finally decided that the best course to pursue would be to create a district to maximize Asian voters, and to use Hispanics to make the

[20] This test for political cohesion is adopted from the United States Supreme Court's analysis in *Thornburg v. Gingles*, 478 U.S. 30, 51 and 56–58 (1985).

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district a majority minority district. Such a plan was advanced by Commissioner Ken Chin with support from Commissioner Camelia Rodriguez, one of the three Latinos on the commission. It was intended to allow for Asian empowerment in the city. It considered various political realities, including the fact that Latino voters would consistently outvote an Asian preferred candidate if the two communities were put together entirely in the same district and the fact that Asians, with at least 6.7 percent of the city's total population, could be left with no representation on the council. Although not in unanimity, the commission agreed that the best method would be to cordon off the Latino and the Asian communities and create an Asian influence council district where, although largely nonminority, the expected continued growth of the Asian community in Chinatown might eventually, if not immediately, grant them an opportunity to elect their preferred candidates.

The creation of a district satisfactory to all of the political interests at stake here was impossible. There was a fundamental disagreement as to what boundaries would best serve the Chinatown community and the Latino areas of the Lower East Side. The conflict undoubtedly was aggravated by concern regarding how the Department of Justice might view this issue of political cohesion. Although there was no federal comment made about the districts as they were ultimately drawn, whether the Washington-based Department of Justice should have or could have instructed the Districting Commission on where the precepts of political cohesion would have the commission draw the lines is an issue that could have generated further controversy. The department's silence is perhaps its loudest statement on this particular matter. It is clear that local judgment was able to control the outcome.

New Opportunities for Representation

Another aspect of the commission's work that merits discussion is the opportunity that this process afforded in terms of creating council districts likely to elect members of communities that were until then not represented despite large numbers in the city.

One interesting development early in this process was the emergence of a distinct and cohesive Hispanic community that had been until then, if not politically silent, at least unrecognized: the city's large Dominican community. Conventional political wisdom has considered the Hispanic political power base in the city to be Puerto Rican. By 1990, however, the census showed that barely half of New York City's Hispanic population was Puerto Rican or of Puerto Rican descent. Large numbers of these non-Puerto Ricans, including many noncitizens,[21] were Dominican.

[21] Under the 1916 Jones Act, Puerto Ricans are citizens of the United States regardless of being born in the United States or in Puerto Rico.

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The Dominican community took full advantage of the commission's public hearings, voicing their opinion regarding their uniqueness as a Hispanic group desirous of representation on the City Council. One reason that the commission's work was made relatively easy in creating such a district, in addition to that community's early and often participation at the hearings, was its geographical compactness. A second factor was simply the number of Dominicans living in northern Manhattan. Based essentially on these two considerations, the commission was able to draw a heavily Dominican district with a Hispanic voting age population of 75.4 percent, which elected a Dominican in November of 1991.[22]

The Dominican district exemplifies how the local criteria, especially that of maintaining communities of interest, went beyond the requirements of the act but simultaneously sought similar philosophical ends: extending the rights of participation and effective representation of a protected community's preference. This result occurred because of the commission's understanding of and response to the local realities and nuances of the city's diverse Hispanic community.

Section 52.1.c of the City Charter required that the Districting Commission would "keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, ethnic, religious or other." This criterion – ranked third after the already legally required one person, one vote and compliance with the Voting Rights Act requirements – was the basis for the commission's creation of what came to be known as the gay district. Specifically, the category of "other" in this criterion (as it was intended to by the Charter Commission) enabled the commission to create a district united by sexual identity by combining two Manhattan neighborhoods traditionally inhabited by large numbers of gays and lesbians – the West Village and Chelsea. This politically powerful community, like the Dominicans, organized quickly and forcefully to make known its political aspirations for representation on the City Council. A gay man was elected.

The inclusion of "other" communities in the purely local criteria can be used in the upcoming decades by new communities seeking representation. The success of this particular other community provides an example of how locally based legislation permitted the expansion of the act's purpose to a politically powerful and cohesive, if federally unrecognized, community traditionally excluded from the opportunity for representation.

The commission attempted other methods to foster the aim of inclusion and empowerment in the political process that proved less successful. According to the 1990 Census, Asians accounted for approximately 7 percent of the city's population. Nonetheless, this community remains without representation on the City Council.[23] Because of this fact, and the unlikely possibility that an Asian

[22] The figure chosen was high because of the concern that many Dominicans are not citizens, and thus unable to vote.

[23] Although proportional representation is explicitly not required under the Voting Rights Act, 7 percent of a 51-seat city council equals over 3.5 seats.

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candidate of choice would be elected in Chinatown, the commission seriously considered designing a dumbbell shaped majority Asian district in Queens by connecting that borough's two Asian cores via a narrow corridor. Even a district such as this proposed one, however, would have failed to bring together enough Asians to allow them to be an effective voting bloc. This is particularly true given the low citizenship rate and low electoral participation of Asians. Because no real Asian empowerment would have resulted from the creation of such a district, the plan was dropped.

The commission also considered linking the largely Puerto Rican communities in Manhattan's Lower East Side to that of Brooklyn's Williamsburg section. Using the Williamsburg bridge for contiguity, the theory behind this alternative was that the large concentrations of Puerto Ricans would result in a new Hispanic district, while minimally disrupting other potential districts, minority and nonminority alike. A similar biborough plan had been effective in empowering the Puerto Rican communities of Manhattan's East Harlem and the South Bronx. This proposal, however, was met with so much animosity at the public hearings from Hispanics from both Manhattan and Brooklyn that it was quickly scrapped. It did, ironically, form the nucleus of a Hispanic majority congressional district created in 1992.

This unsuccessful endeavor at creating an additional Hispanic district did demonstrate one important and satisfying aspect regarding how local criteria and the requirement of broad opportunity for participation were working. In this case, the two minority communities from the same subgroup of Hispanics, namely Puerto Ricans, chose to remain separate and take their chances with locally established political bases. The outcome of the 1991 council elections appears to support their decision. Both the Lower East Side and Williamsburg are represented by a Puerto Rican council member.

Beyond the Voting Rights Act

The Charter Revision Commission had as one of its four stated goals to increase minority representation on the City Council. In its submission to the Department of Justice, it wrote that, "Even if only 18 districts with 80 percent or more minority population elected minority council members, the commission's plan would double the number of such council members from 9 to eighteen—a 100 percent expansion of minority representation on a council expanded in size by 45.7 percent."[24] In fact, the Districting Commission created a plan that contained twenty-one 80 percent plus minority districts. Based partially on careful drawing of district lines, partially on an increased minority population, and partially on broader acceptance of minority candidates in nonminority districts, twenty-one minority group members were elected to the City Council in the 1991 election.

[24] New York City Charter Revision Commission's Section 5 Submission to the U.S. Department of Justice, 11 August 1989, 19.

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The commission, however, went well beyond simply increasing the presence of racial, ethnic, and language minorities covered by the Voting Rights Act on the City Council. It drew lines for districts that weigh and attempt to meet the political needs of many of the city's diverse communities. These communities include those bound by common ethnic, racial, and language roots, but also consist of religious, political, and economic groups, and even those who identify with a less traditional sexual identity. This result, based on notions of inclusion in the political process, must be viewed not only in light of the developing law of the Voting Rights Act but also changes in demographics, fluctuations in the local and national economies, the evolution of New York into a minority-majority city, and other local changes affecting our views concerning what defines a community, a definition that continues to evolve and expand.

In addition to the groups defined under the Voting Rights Act, the commission made a special effort to deal with subgroups within those groups. As a result, in northern Manhattan a district elected the first Dominican representative in New York City's history. In central Brooklyn, a district particularly drawn to enhance Caribbean influence also resulted in the election of a Caribbean representative. This sensitivity by the Districting Commission resulted from public hearings that operated to bring issues of minority representation to the attention of the larger political community. The testimony of representatives of the gay and lesbian community also helped influence the creation of a district that would be representative of them in Manhattan. Clearly, the commission was able to expand upon the definition of disadvantaged or underrepresented communities well beyond the definition of the Voting Rights Act.

Prudence calls for keeping an open mind about the road on which the city government now finds itself. New York City's political structure and its behavior must move beyond the remedies either required or suggested by the Voting Rights Act. Further advancement in the area of the voting and the electoral process should now develop along local lines. The challenge is in finding local solutions to local problems that are fair, increase representation of community-based concerns and interests, and augment the effective representation of all the residents of the municipality. Indeed, reliance upon a more limited federal government's interpretation of the Voting Rights Act may in fact actually serve to limit the expansion of rights begun by the Charter Revision Commission of 1988.

Conclusion

The 1965 Voting Rights Act and amendments have with much success ensured that members of protected minority groups can more fully participate in the electoral process at the local, state, and federal levels, and in the legislative, executive, and judicial branches of government. The act has succeeded in its primary aim: an equalization of the effective voting power of minority communi-

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ties with that of the majority. It is, perhaps the most successful piece of civil rights legislation in United States history.[25]

This balancing of voting power has been accomplished by essentially protecting the right of political choice by minority groups, as expressed through their vote. Since the act was passed, proportionally fewer white preferred candidates have been elected to public office, as greater numbers of minority preferred candidates are elected. As might be expected, minority preferred candidates tend to be overwhelmingly minority themselves, generally reflecting the particular ethnic and/or language groups which they represent, although that is by no means a requirement of the act. In sum, the Voting Rights Act has added a significant nonminority element to the body politic by guaranteeing the voting opportunity of certain minorities. It is a trend that is likely to continue, and as recent United States Supreme Court rulings indicate, expand into the elected judiciary as well.[26]

The 1991 redistricting and expansion of the New York City Council, however, exposed various limitations in the Voting Rights Act. In particular, the act defines protected minority groups as specific racial and language minority groups, those being essentially African Americans, Hispanics, Native Americans, and Asians. This broad yet limiting definition has resulted in a law that is ill equipped to handle the needs of a more diverse society. Currently the act contains no legal guidelines addressing the issues of whether and how voting rights of the more recent arrivals to the United States, such as Arabs, East Indians, noncitizen Africans, and the various countries of the former Soviet Union, should be protected. The definition of protected groups under the act needs to move away from its currently static categories and overly broad generalizations to more realistic classifications.

Two additional criticisms of the act have also emerged from this discussion. First, as the act now stands, it cannot effectively resolve inter- or intraminority group conflict nor unify the increasingly divergent political interests of the protected groups. Those larger minorities with firmly established political bases were favored by its terms—African Americans and Hispanics. Other minorities in need of as much political clout, often groups within these groups, have much less experience and have fared less well: Caribbean blacks and Asians, lacking the political savvy and until recently the numbers, had less effect on the results of the election than one might have expected. Ironically, the degree of racial segregation also played a significant role in how various minorities have fared. The most segregated community, the African American, elected close to proportional representation, while Asians, about 7 percent of the city's residents, were far too dispersed to pool their votes effectively. As a prescriptive measure for these problems, the act falls short of being a cure. Second, an expansion of the

[25] B. Grofman, *Voting Rights, Voting Wrongs: The Legacy of Baker v. Carr* (New York: Priority Press Publications, 1990).

[26] *Chisom v. Roemer*, 111 S. Ct. 2354 (1991); *Houston Lawyers' Ass'n v. Attorney General of Texas*, 111 S. Ct. 2376 (1991); and *Clark v. Roemer*, 111 S. Ct. 2096 (1991).

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act to include all who need its protection, that is, the politically disenfranchised, is unlikely as so many of the developing shortcomings are locally based.

While the act has been an effective and powerful tool in voting opportunity and equality, state and local political and governmental bodies need to go further to provide the necessary resolution of what is certain to be mounting conflict as the nation continues to become more diverse. These bodies must commit to addressing at least four areas that the act, based on our experience, leaves unresolved: detecting and recognizing potential inter- and intragroup minority conflicts of interest and developing a fair methodology to handle them; developing a flexible definition of what groups need protection under the act and, if necessary, creating local legislation to ensure those groups receive that protection; developing a definition of communities of interests that realistically empowers those communities that might otherwise remain separate, and similarly does not presume particular groups are a community of interest solely because of a shared characteristic, such as language, religion, or ethnicity; creating independent bodies to reapportion state and local legislatures and thereby deal with objective criteria rather than having issues of incumbency protection dominate the districting process.

We hope that the experience of the New York City Districting Commission can be used as a model for change. We look for legislation that will provide the expansion of voting rights and the opportunity for more widespread inclusion and participation in the electoral process of local and state governments.

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Beyond the Cold War—Again: 1955 and the 1990s

RONALD W. PRUESSEN

Month after month, high and low, turbulence continues to rock Eastern Europe and the former Soviet Union. Early developments were already striking: the battered Berlin wall, a playwright president in Prague, even a MacDonald's in Moscow. But initial fissures have gaped ever wider, and more have appeared. Who can yet measure the profound significance of German reunification, conflagration in Yugoslavia, and a crumbled USSR?

The news stories we have been devouring have been exciting, but more than a little disorienting as well. Consider the sorry state of predictions over the last three years. How many genuinely expert policy analysts have been left either in stunned surprise or scurrying to reshape embarrassingly categorical statements about what could or could not possibly happen in Berlin or Bucharest or Moscow? Consider even the puzzlement of an average worldwatcher checking the atlas for the precise location of a Talinn or a Moldavia risen to sudden new significance. Memories, traditional perceptions (and clichés), often astute antennae, have been whiplashed in the ferment.

Perhaps it is a good time to remind ourselves of the value of the past as a guide to the future. As familiar landmarks crumble or shift, can history yield up new ones to help us get our bearings? Yes. This is an old, old homily, of course, consistently if often unconsciously applied by almost everyone when coping with the vicissitudes of both private and public life. But it is also a homily that requires regular relearning and refinement. Another concerted effort seems particularly

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appropriate when a familiar status quo is trembling: as that goes, so do—and so should—the models that have long helped people operate within it.

There has already been some movement in this direction. How many times, for example, did Americans hear references to the "lessons of Munich" during the Persian Gulf crisis? On the more scholarly front, Joseph S. Nye, Jr.'s recent book uses the earlier experiences of Rome, Spain, the Netherlands, and Great Britain for comparative purposes.[1] So far, of course, the effort to draw new lessons from the vast recesses of history has been somewhat tentative, or at least grandly glib as far as the politicians are concerned. Still, it is an inclination that deserves encouragement.

Nor is there any reason to look only at pre-cold war events in the search for post-cold war relevance. The 1940s and 1950s, for instance, can offer unexpectedly resonant models for coming days. Of special value, the models would spin off specific issues sometimes identical to those garnering today's headlines.

The events of the Truman and Eisenhower years seem very familiar and the source actually of all sorts of lessons that have shaped approaches to international problems through subsequent decades. There could not have been many American policy makers in the Carter and Reagan years unaffected by memories or tales of the 1948 coup in Czechoslovakia, the Berlin blockade, the Korean war, the Suez crisis, etc. In fact, however, the gradual release of sources and ongoing research have forced a steady revision of earlier impressions. The newer history of the early cold war has not always trickled down into conventional wisdom among average citizens or policy makers, but the unusual demands of the 1990s warrant further effort.

Common images of the Eisenhower years might suggest that further exploration would turn up only the sharpest and now quite irrelevant contrasts to the developments and atmosphere of the present. The 1950s have certainly often been painted as the most frigid years of Soviet-American confrontation, what the *New Republic* called "the frozen wastes of the cold war."[2] Dwight Eisenhower himself may have been a genial old golfer, but was he not also a true believer in fundamental anticommunism, ready to throw the mantle of his popularity around the moralistic crusading of the stern John Foster Dulles? Can the work of this president and secretary of state now be considered anything but part of the arcane incunabula of the cold war?

But research in increasingly available primary sources is making it ever clearer that what was actually happening in the 1950s was a great deal different from what we thought was happening. Brushstroke by brushstroke, a complex new canvas is emerging with direct, significant relevance for the 1990s. Some already well worked sections reveal Eisenhower and Dulles to be far more sophisticated than previously imagined. Both men grappled shrewdly and continuously with

[1] Joseph S. Nye, Jr., *Bound to Lead: The Changing Nature of American Power* (New York: Basic Books, 1990).

[2] *New Republic*, 6 December 1954.

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a number of major issues: the need for a New Look in American grand strategy to deal with the dangerous dilemma of balancing global commitments and limited resources; the heterogeneity of the "communist" world, from the complicated currents of Eastern Europe to the strains in the Sino-Soviet relationship; the increasingly problematic potency of nationalism in many quarters, from Asia to the Middle East to Western Europe.[3] None of these could sensibly be omitted from an agenda of priority concerns for the decade now before us.

This is not the place to develop a fullscale overview of the Eisenhower years, but at least one example might be more fully explored to demonstrate the logic of looking for new models in this unlikely territory. The events of mid-1955 offer interesting possibilities, complete with striking backward echoes of today's headlines.

The spring of 1955 was a season of burgeoning hopes and talk of a cold war thaw. Two years after the death of Joseph Stalin, new Soviet leaders seemed genuinely interested in moving toward a policy of peaceful coexistence. Many skeptics agreed that there were enough signs of nascent moderation in Moscow to warrant careful western exploration. A key step came with the first four power summit conference of the cold war era held in July. The spirit of Geneva, which was said to have emerged there suggested the possibility of breakthroughs on the major and still familiar issues dominating the summit agenda: German reunification, all-European security arrangements, and disarmament.

To say there are echoes of 1955 in the air of the 1990s is not to suggest that there is any precise duplication, of course. No one would imagine that history repeats itself as neatly as that. In fact, it would be wise to quickly note the way intriguing similarities are in counterpoint with great differences. There were numerous signs of change in the Soviet Union and Eastern Europe of 1955. In retrospect, however, the actual course of affairs was never as dramatic as what we have witnessed more recently. Even if the optimists of that earlier time had proven accurate in their forecasts—and they certainly did not—there would have been nothing as profound and fundamental as the developments of the past few years. To telescope ahead to some of the points to be discussed below, for example, there was anticipation of a thaw in the cold war—of the beginnings of détente—but no real speculation about the end of the conflict or the beginnings of significant Moscow-Washington cooperation within the international arena. There was discernment of opportunities for change in Germany and Eastern

[3] Among the important contributions to what is often called Eisenhower revisionism are the following: Stephen E. Ambrose, *Eisenhower: The President* (New York: Simon & Schuster, 1984); Robert A. Divine, *Eisenhower and the Cold War* (New York: Oxford University Press, 1981); Fred I. Greenstein, *The Hidden-Hand Presidency: Eisenhower as Leader* (New York: Basic Books, 1982). Reassessments of the work of John Foster Dulles and other leading figures of the 1950s make it clear that more than Eisenhower revisionism is underway: see, for example, Richard Immerman, ed., *John Foster Dulles and The Diplomacy of the Cold War* (Princeton, NJ: Princeton University Press, 1990).

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Europe, but the thought that the German Democratic Republic would virtually swoon into the arms of Konrad Adenauer's Federal Republic would have been dismissed as fantasy, as would the notion that Eastern European regimes were about to gallop toward both independence and market economies. There was extensive discussion of Moscow's problems, as well—particularly in the economic realm—but virtually no serious expectation of full-scale collapse or the possibility of desperate Soviet yearning for western aid.

But the inevitable presence of unique characteristics does not undercut the value of historical exploration. In this case, the sometimes similar developments of the mid-1950s can be said to have real relevance to present-day concerns and deliberations. This can be demonstrated by highlighting three elements among the many stories that unfolded in the spring and summer of 1955. Each involves important characteristics or currents not easily appreciated until the recent release of primary sources. Each also suggests the pertinence that can vault across three and a half decades.

Windows of Opportunity

Most observers would have thought the auguries for ending the cold war were inauspicious in early 1955. Tensions between the United States and the People's Republic of China over the fate of Quemoy, Matsu, and other islands in the Formosa Strait seemed on the verge of explosion for months on end. As John Foster Dulles put it, even in private discussions, "we might be said to be living over a volcano."[4] Although the lion's share of American anger was reserved for Beijing during this prolonged crisis, there was enough left over for speculation about the deviousness of Moscow. By egging on Mao Zedong and the Chinese leadership, Eisenhower told the National Security Council (NSC) on 27 January, "The Soviets were undoubtedly doing all they could to involve the United States in Asia and in a general war with Communist China."[5]

War did not seem likely to break out elsewhere, but neither did peace. The Soviet Union was still bitterly protesting plans to arm the Federal Republic of Germany through the mechanism of the Western European Union (WEU), which had replaced the defunct European Defense Community (EDC) the previous fall. Threats of consequences were taken a little more seriously after the sudden removal of Georgi Malenkov as Soviet prime minister in February; Malenkov had been seen as the most détente oriented of Stalin's successors, and harsher

[4] 22 July 1955, PREM 11/895. (PREM items are British government records contained in the files of the Prime Minister's Office. FO items are also British government records, but contained in the files of the Foreign Office. Both sets of materials are housed in the Public Record Office, London. The Public Record Office will hereafter be cited as *PRO*.)

[5] U.S. Department of State, *Foreign Relations of the United States, 1955–1957* [hereafter FRUS] (Washington, DC: U.S. Government Printing Office, 1987), vol. ii, 137–39.

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policies were quickly forecast.[6] Foreign Minister Vyacheslav Molotov certainly fueled such speculations with a barrage of strong warnings, publicly serving notice that Moscow would push for the creation of what would soon become known as the Warsaw Pact if WEU were ratified.[7]

By April and May, however, more positive portents attracted attention. The final passage of WEU through legislatures in Bonn and Paris produced a certain measure of celebratory relief and confidence in western governments in general. And at just this point — perhaps because just this point had been reached — there was set in motion what a Canadian diplomat called "a whirlwind of Soviet manifestations of sweet reason. . . ."[8] Washington contemplated Nikolai Bulganin's and Nikita Khrushchev's fence-mending visit to Yugoslavia, for example, and the Soviet move to negotiate a peace settlement with Japan. Even the newly created Warsaw Pact was assessed by some as more of a diplomatic gesture than a new cold war jolt — a ploy to create an Iron Curtain NATO to use as a bargaining chip in new negotiations about the now expanded NATO.[9] The most striking example of the whirlwind to all western eyes at the time was Moscow's willingness to finalize the endlessly delayed Austrian peace treaty. For the official signing held in Vienna on 15 May, green leather document folios were bound by the same Austrian company that had prepared the cases for the Treaty of Vienna in 1815. If the earlier agreement had inaugurated a century of near-peace, perhaps the new one would be equally significant.[10]

The British were the first to urge a meeting at the summit in order to take advantage of opportunities offered by altered Soviet behavior. For two years past, to be sure, Winston Churchill had been trying to coax his old friend Dwight Eisenhower toward such a meeting. But the prime minister had then been scouting a lonely track, lacking support even from his own London subordinates. In April 1955, however, Anthony Eden finally succeeded the old man at 10 Downing Street and rapidly mobilized British government efforts behind a campaign for a summit. "How much more attractive a top level meeting seems when one has reached the top," Churchill quipped.[11]

Some of Eden's newfound interest was unconnected with his sense of changes in the Soviet Union. Domestic political considerations, for example, were certainly involved. A general election was scheduled for May, and the new prime minister clearly hoped to use preparations for a dramatic international conference to impress voters. Sir Ivone Kirkpatrick, head of the Foreign Office, was dubious

[6] 28 February 1955, FO371/116669, *PRO*; Harry Schwartz, "Dulles's New Tactic," *New York Times*, 17 February 1955.

[7] Hollis W. Barber, et al, *The United States in World Affairs, 1955* (New York: Published for the Council on Foreign Relations by Harper & Bros., 1957), 36-37.

[8] 27 May 1955, FO371/116653, *PRO*.

[9] Barber, *The United States in World Affairs, 1955*, 39.

[10] "Emotional Crowd at Site of Signing," *New York Times*, 16 May 1955.

[11] Harold Macmillan, *Tides of Fortune, 1945-1955* (London: Macmillan, 1969), 587.

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about solving major world problems "over the coffee cups," but saw no reason to allow personal doubt to stand in the way of a necessary political maneuver: Eisenhower wouldn't be "excessively annoyed," he advised Eden, "since the Americans are adjusted to the idea that even the best of friends must embarrass one another for electoral reasons."[12]

But Eden and his associates were also fully convinced that all by itself Moscow's altered stance both invited and required a meaningful response. "The Western Powers have repeatedly declared their intention to talk to the Soviet Union after ratification of WEU," Eden told Washington; world opinion might be adversely affected by a decision to back away from this in the face of Moscow's newsworthy emphasis on "peaceful coexistence." How might Bonn respond, for instance? Given Soviet openness to negotiations, "Unless we make a serious effort to reunify Germany, which the Germans will regard as serious, they will be restive, and cannot be relied on to resist Soviet blandishments." In fact, mid-1955 might offer a particularly good moment for a serious diplomatic engagement with Moscow:

> We are as close to being able to talk on terms of equality with the Soviet leaders as we are likely to be in the foreseeable future. It seems unlikely that with the passage of time, our relative position will improve. On the contrary, once "saturation" in thermo-nuclear weapons is reached, our relative military strength declines. Moreover, the potential cohesion of the West may well be at a high point in the period immediately after the ratification of the Paris Agreements.[13]

Though nothing was said of this to Washington, Eden was also convinced that in the aftermath of WEU's final passage, Moscow might try to work out "a bilateral" deal with Washington alone and that Washington, frustrated by European behaviour during the prolonged campaign for German rearmament, might be tempted. Along with Paris at just this point, London believed a four power summit was a means of countering any chance of being shunted aside by the two superpowers.[14]

In Washington, Eden's spring 1955 push for a four power summit worked where all of Churchill's previous efforts had failed. Within weeks, it was clear that the Eisenhower administration was coming around. As in London itself, some of the American impetus toward Geneva was unconnected with new perceptions of the Soviet Union. Dulles, for example, was at least partially persuaded of the need to help "prevent the left-wingers from carrying elections in England." He also seems to have found one of Foreign Minister Harold Macmillan's tactical arguments appealing: setting a date for a summit conference would keep Beijing from forcing the troublesome offshore islands issue in the interim.[15]

[12] Ibid., 584–585.

[13] 26 March 1955, FO371/114367; 26 March 1955, PREM 11/893, *PRO*.

[14] For example, 31 December 1954, FO371/116650 and 12 February 1955, FO371/116664, *PRO*.

[15] 7 July 1955, memorandum of conversation, Telephone Conversation Series, John Foster Dulles Papers, Seeley G. Mudd Library, Princeton University. [Hereafter Dulles Papers cited as *DP*.]

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But there was no doubt that the primary reason for Washington's interest in a once-spurned idea was the sense that Moscow had indeed altered its behavior. The president and his advisers had actually begun feeling their way toward an altered reading of Soviet conduct during the preceding winter. In December 1954, the secretary of state had told the North Atlantic Council that Moscow's policies were like a "powerful stream whose surface [was] sometimes ruffled, sometimes calm. Current can't be judged by surface which, ruffled or calm, is no indication of force below." Only the further building of western strength would allow avoidance of the dangers of "being lulled into false security by calm" or being "frightened into paralysis by rough. . . ."[16] There seemed no room here for negotiation. In fact, as Eisenhower put it to Churchill on 14 December, "a top-level meeting with the regime in Russia" might "give a false impression of accord which, in our free countries, would probably make it more difficult to get parliamentary support for needed defense appropriations. Within the captive world it would give the impression that we condone the present state of affairs."[17]

But by February, it had already begun to seem as if more than the surface of the mighty Soviet river was changing. In the face of Malenkov's ouster, the Dulles brothers began consulting about how to focus U.S. psychological warfare capacities on the "despotic disarray" in Moscow. To the secretary of state, at least, it seemed as if this might be just the tip of a larger iceberg. As he spelled it out during a meeting with Chiang Kai-shek's representative in Washington:

> . . . The Soviet Union had been subjected to very heavy demands, . . . was trying to match U.S. military power with an industrial base only one-third or one-fourth that of the U.S. Communist China was undoubtedly pressing the Soviet Union for more military and industrial assistance. Through the Chinese Communists, the North Korean and Viet Minh regimes were making larger demands. The military requirements in the European satellite countries had been squeezed. The satellite peoples were squirming under the demands made of them. They were restive. The whole Communist system was overextended.[18]

Progress on the Austrian Peace Treaty saw American leaders make the crucial transition from commentary on serious Soviet problems to speculation about potential dividends thereby in the offing. In late April, as Moscow's new approach was just becoming apparent, Allen Dulles described "this Soviet move vis-à-vis Austria as the most significant since the end of World War II." Though usually one of the hardest of the Washington hard-liners, the CIA director thought he denoted "great new opportunities." Brother Foster agreed. Initial negotiations in Vienna suggested to the secretary of state that Moscow's "reasonable attitude may actually foreshadow a quite different Soviet long-term policy, both as re-

[16] *FRUS, 1952–1954*, vol. v, 551.

[17] Ibid., 1499.

[18] Schwartz, "Dulles's New Tactic," *New York Times*, 17 February 1955; 8 February 1955, memorandum of conversation, Telephone Conversation Series, *DP*; *FRUS, 1955–1957*, ii, 253–254.

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gards Europe and the Far East."[19] By the time the Austrian treaty was actually signed on 15 May, Dulles had gone far beyond tentative speculation. His report to the NSC was one of the most enthusiastic he ever offered:

> . . . the Soviets had effected a complete alteration of their policy. Their policy had been hard and was becoming soft. The Iron Curtain is going to disappear. In the future there will be no more sharp line between the free world and the Soviet bloc. The sharp line will be replaced by a fuzzy area . . . a kind of mixed zone.

A little later in the meeting, he reiterated his point: "he believed that we were now confronting a real opportunity . . . for a rollback of Soviet power. Such a rollback might leave the present satellite states in a status not unlike that of Finland."[20]

In the weeks between the Vienna treaty ceremonies and the Geneva summit, Eisenhower and his advisers spent a good many hours speculating about what *Time* called "the true reason for the Communists' sudden switch from cold warriors to peace-shouters." For policy makers who had operated for two years or more with a rigid mindset regarding the futility of negotiations with Moscow, it was a necessary process to go through prior to what now seemed likely to be serious deliberations. Basic analytical emphasis tended to be placed on the secretary of state's earlier point about the overextended nature of the whole communist system. On at least half a dozen occasions in June, Dulles and Eisenhower in particular returned to this theme. On 10 June, for example, Dulles told the House Appropriations Committee that the Soviet economy was "on the point of collapsing." He himself privately admitted that he "was frankly laying it on thick" in this statement in order to bolster a budget request, but just a few days later he and the president agreed that Moscow was indeed "desperately looking for a respite."[21]

Struggling with the drain of aid to capitals like Beijing and Hanoi, the Soviets were said to be especially anxious to get out from under the staggering costs of an arms race with the United States. Moscow "may be prepared to make concessions" on disarmament, Dulles told the NSC on 30 June, because it "genuinely wanted some reduction in the armament burdens in order to be able to deal more effectively with their severe internal problems." Soviet interest in slowing the arms race was "not merely a trick," Dulles said on another occasion: "The Russians . . . believe that they must do something in order to raise consumption levels for the populations of the Soviet Union and the satellites." Eisenhower was in full agreement, seconding the secretary of state's thoughts by saying the Russians "had found that an arms race was much too expensive."[22] And if compe-

[19] 21 April 1955 minutes, National Security Council Series (Whitman File), Dwight D. Eisenhower Papers, 1953–61, Dwight Eisenhower Library, Abilene, KS [hereafter *NSC*].

[20] 19 May 1955 minutes, *NSC*.

[21] *Time*, 23 May 1955; *FRUS, 1955–1957*, ii, 253–254; W. W. Rostow, *Open Skies: Eisenhower's Proposal of July 21, 1955* (Austin: University of Texas Press, 1982), 161; 14 July 1955, White House Meetings Series, *DP*.

[22] 18 May 1955 and 30 June 1955 minutes, *NSC*.

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tition with the U.S. had been too severe in the past, what might be expected after the entrance of West Germany into NATO? There was clear awareness in Washington of this new variable in Soviet anxiety. As Policy Planning Staff Director Robert Bowie put it to the British ambassador, "while the Russians were probably not too afraid of Germany by herself, particularly in light of the present atomic equation, they did fear that German re-armament within NATO might get out of hand. Twelve divisions were no menace, but 12 might lead to 24, and so on. . . ."[23]

Other theories percolated too. Eisenhower was convinced, for example, that one factor helping to produce Soviet moderation was "confusion in the Kremlin":

> . . . since the death of Stalin there had been conspicuous confusion in the Russian dictatorship. The struggle for power in the ruling group in the Kremlin had tended to make for compromises rather than for a clear direction to Soviet policy. . . . if Stalin were still alive the change . . . would not have happened.[24]

John Foster Dulles, for his part, regularly pointed to the relevance of innate pragmatism in current Soviet leaders. They seemed capable of learning lessons, he believed, and might be ready to "try measures of expediency instead of continuing to buck hard against the ramparts of the free world. . . . they might now deem it more convenient to conform slightly to a world situation that they have found they cannot otherwise change." A key learning experience for Moscow had been the effort to prevent German rearmament and further West European integration: the Soviets had "put everything they had in that policy and it failed."[25]

Whatever the causes of new Soviet conduct, Eisenhower and Dulles enthusiastically contemplated positive potential impact on American foreign policy concerns. They did make a conscious effort to maintain a somewhat cool demeanor in public, in order to avoid what both feared might be a backlash of disappointment if dramatic successes were not rapidly forthcoming. One example of this came in a 17 May televised dialogue between the two men. During a media experiment in which Dulles reported to Eisenhower on recent developments, he added words of caution to his positive picture of the signing of the Austrian peace treaty. He didn't think "for a minute" that the Soviets "have got religion, or have been converted," he said, "but it just may be, as a practical matter, they may think they can get along better by conforming to some of these rules and practices which normally govern a civilized community." This was "a possibility which is at least worth exploring" at the Geneva summit. The president reacted to this in his own typically half clear, half fractured fashion: "In a word, we want to stay

[23] 3 June 1955, PREM 11/894, *PRO*.

[24] 7 July 1955 minutes, *NSC*.

[25] 7 July 1955 minutes, *NSC*; 17 May 1955 transcript, *Executive Sessions of the Senate Foreign Relations Committee* (Historical Series) vol. vii, 84th Congress, 1st sess., 1955 (Washington, DC: Government Printing Office, 1978). [This volume will hereafter be identified as *FRC*.]

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strong and will stay vigilant, but we are not going to extinguish the hope that a new dawn may be coming, even if it rises—the sun rises—very, very slowly."[26]

The German Question

The most important of the new windows of opportunity looked out over Germany. Ten years of diplomatic tangles and crises had made it abundantly clear that the status of this two-time enemy was close to the top of foreign policy agendas in Moscow, Washington, London, and Paris. Would the agonizingly slow denouement of one of the worst of the broils—over the rearming of the Federal Republic of Germany and its adhesion to NATO—be followed by a final resolution of East-West conflict on this front? Would the Soviet Union at last accept the reunification of Germany and its movement back into international affairs as a genuinely independent state?

Key American allies certainly saw positive possibilities in the spring of 1955. Beleaguered by many troubles at home and abroad, the Soviets might be prepared to move in new directions to deal with their old and central concerns over Germany. Britain's ambassador in Moscow, for example, was impressed by the way "Stalin's senile megalomania" was giving way to a willingness among policy makers "to rethink their whole political strategy." The Soviets had "totally reversed" their previous threats regarding a refusal to discuss German reunification if the Federal Republic were integrated into NATO, which boded well for the Geneva summit.[27] Thoughts at the Quai d'Orsay ran along similar lines. Moscow was desperately anxious for "breathing space," a major French policy paper argued, and appeared ready to "accept the realities of the situation." In particular, having witnessed the success of WEU in spite of their strenuous opposition, current leaders seemed to be "much quicker" than their predecessors at learning "the lessons of their reverses." Paris's planning for Geneva was proceeding with one eye on the possibility that the Soviets would now "accept the rearmament of a reunited . . . fully independent Germany.[28]

There was, to be sure, some skepticism regarding shifts in Soviet strategy. At the end of a lengthy report on evolving trends, the Canadian ambassador in Moscow confessed to more than a measure of uncertainty: "However carefully and reasonably we may weigh and assess the motives of the Soviet Government and however precisely we may attempt to estimate the direction and extent of their next move, the only way we can really find out what is on their minds is to test them out."[29] In a private meeting with Konrad Adenauer, Anthony Eden revealed a similar perspective. "The Government and quite half of the Opposition watched Russian moves with caution and suspicion," he said, "though everyone

[26] *Department of State Bulletin*, 20 June 1955, 871–876.
[27] 1 June 1955, FO371/116652, *PRO*.
[28] 8 June 1955, FO371/116653, *PRO*.
[29] 27 May 1955, FO371/116653, *PRO*.

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here wanted to probe the Russian intentions."[30] (A couple of weeks earlier, Eden's representative in Moscow had done his part to put the prime minister on guard. Struck as he was by the "remarkable change" in the attitudes of Soviet leaders, the ambassador reported, he could not help but wonder whether the words of a prewar British correspondent should be kept in mind: "that the Russian bear can remain only so long on its hind legs and then inevitably flops down on all fours."[31])

But caution did not obliterate hope in the weeks leading up to the gathering in Geneva. London and Paris worked out what Macmillan described as "innumerable plans" for German reunification, and their elaborate detail suggests the seriousness of the undertaking. Eden hoped to go to the summit with an irresistible package plan. In his meeting with Adenauer, he described its various components: "a demilitarised zone formed of part of the Eastern Zone and possibly—if militarily feasible—a small part of the Western Zone"; "some forward movement on disarmament," such as "a phased withdrawal from a central line in Europe"; "some form of security pact between the Great Powers against aggression"; and a plan for the expansion of East-West trade. The German chancellor, even though he would not be directly participating in the Geneva negotiations, was also investing a great deal of time in shaping what he agreed should be "a comprehensive package settlement." Adenauer told Eden of highly secret discussions he had had with John Foster Dulles.[32]

For his part, Dulles was certainly ready to support extensive European planning. He had already admitted to being impressed by the "complete alteration" of Moscow policies and the stunning spectacle of a disappearing Iron Curtain. In the aftermath of the Austrian peace treaty, with his eyes on the many problems he believed were plaguing the Soviet Union, he was especially interested in the prospect of "a rollback" in Germany. Though the Russians would surely have preferred to stall yet further on German reunification, the secretary of state told the Senate Foreign Relations Committee, "there is a feeling that the forces that are moving in that direction are so strong that they cannot be indefinitely resisted."[33]

As did the Europeans, both Dulles and Eisenhower demonstrated the seriousness of their expectations by spinning out elaborate plans for German reunification. They were especially taken with the possibilities of an all-European security package, "some general plan for regulating European security." As Dulles put it to Macmillan, "we might eventually get German unification within the framework of an agreement about levels of forces in Europe. . . . this idea was that the forces on both sides should be thinned out towards the area of contact." He had already broached this notion to his brother in words that testify to the exhilarated mood that could be found in Washington during these days:

[30] 19 June 1955, PREM11/894, *PRO*.
[31] 1 June 1955, FO371/116652, *PRO*.
[32] 19 June 1955, PREM 11/894, *PRO*.
[33] 17 May 1955 transcript, *FRC*.

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> The Sec said he has this sort of plan – he doesn't know if it is any good – that we should propose to the Russians that they should take an area of comparable size etc. to our Western European area and match us with troops etc. Has AWD [Allen W. Dulles] any figures that would indicate today what is the relative sizes of forces etc. AWD asked what area. The Sec. said roughly speaking, if you took in the East the area comparable in size to the Brussels Pact area, it would cover most of the satellites and Russia back to Minsk.[34]

The positive expectations and flexibility of the president and the secretary of state are thrown into yet sharper relief by the qualms of other American policy makers. Britain's ambassador in Washington reported on several occasions that there was "some concern among the experts in the State Department and the C.I.A." about the drift of Foster Dulles's thinking in the weeks before the summit. The secretary himself told Harold Macmillan that he and "his advisers" did not see eye to eye.[35] High-level disagreement is also blatantly evident in the minutes of the last NSC meeting prior to the president's departure for Geneva. A review of the basic U.S. game plan confirmed presidential interest in the possibility of facilitating German reunification by way of all-European arms limitations, demilitarized zones in the center of the continent, and negotiated withdrawals of western and Soviet forces. Admiral Arthur Radford and Harold Stassen among others made a last-ditch effort to instill caution, citing the dangers of premature optimism regarding the Soviets and exorbitant concessions. They expressed significant reservations in particular about allowing any Soviet influence over the level of arms in Germany or Western Europe. But the secretary of state and the president stood their ground.

> Secretary Dulles replied with feeling that we would never succeed in our objective of a united Germany if we insisted upon limitation of the level of German armament, which level was wholly controlled by the Western powers. . . . With some heat, Secretary Dulles . . . warned that if we say flatly "no" to any European regional security arrangements we might just as well give up all hope of unifying Germany.

Eisenhower fully backed the idea of flexibility here, somewhat sarcastically assuring Radford and the Joint Chiefs of Staff that neither he nor Dulles would be "damn babies at Geneva."[36]

A significant source of flexibility regarding planning for Geneva negotiations on Germany was genuine European and American sensitivity to Soviet concerns. On both sides of the Atlantic, no one was under any illusions about the way the long shadows of two world wars would affect contemplation of changes in the status of the former enemy. The Quai d'Orsay's advance policy paper on summit preparations – reflecting France's own intense preoccupations – called for recognition of "legitimate Soviet anxieties about the security of the Soviet Union."

[34] 6 May 1955, Telephone Conversation Series, *DP*.
[35] 3 June 1955, 16 June 1955, PREM11/894; 2 July 1955, FO371/116653, *PRO*.
[36] 7 July 1955 minutes, *NSC*.

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Eden's and Macmillan's elaborate planning exercises clearly assumed that at least part of Moscow's agenda deserved respectful attention. Even Adenauer could empathize. He did think the Soviets might be overly prickly and inclined to underestimate the value of the western package plan being prepared: ". . . the Russians had no good reason to be afraid of reunification on the kind of basis which had been discussed. If Germany was re-united a great deal of German energies would be needed to bring the Eastern Zone back to working order." Still, he was quite prepared to work on "the question of what the West could do to relieve any genuine apprehensions of the Russians."[37]

So were key leaders in Washington. As early as April 1955, scouting the increasing signs of Moscow's altered behavior, Allen Dulles was telling the NSC that "the Soviet Union was above all preoccupied with the threat of a rearmed Germany." This was, in fact, a message which Ambassador Charles Bohlen had already been underlining in his Moscow cables for some months, and it surfaced again and again in the course of summit preparations. Eisenhower and Dulles were as willing as their European allies to try to assuage these Soviet anxieties. As the secretary of state put it to Macmillan, he was interested in the possibility of a mutual thinning of forces in Central Europe because "the main obstacle to unification . . . was the Russian fear of German rearmament." Reviewing negotiating strategy with the president, Dulles argued that a key intermediate objective was to assure Moscow "that East Germany will not be made an advance military position of the West." And in the argumentative 7 July session of the NSC, Dulles heatedly protested against resistance to all-European security arrangements precisely because of his respect for Moscow's concerns:

> . . . the unification of Germany would be impossible unless it was achieved under some sort of international control in which the Soviet Union would have a voice. The Soviets would never simply throw East Germany into the pot to be added to West Germany and the united Germany to be further rearmed against the Soviet Union itself.[38]

Not surprisingly, discussions in Geneva did indeed reveal such Soviet sensitivities. Anthony Eden recalled an after-dinner conversation during which Nikolai Bulganin had "plunged into the problem of Germany" by recounting "how real were Soviet fears of a German recovery." Because "Almost every family . . . including his own, had suffered some personal loss," the current Moscow leadership could not move too hastily toward reunification: "neither the Army nor the people would understand it and . . . would say this was something Stalin would never have agreed to."[39]

It is important to recognize the presence of flexibility and sensitivity in Eisenhower and Dulles, but it is also necessary to note the limits of such characteristics.

[37] 8 June 1955, FO371/116653; 19 June 1955, PREM11/894, *PRO*.

[38] 21 April 1955 minutes and 7 July 1955 minutes, *NSC*; 31 December 1954, FO371/116650, 16 June 1955, PREM11/894, *PRO*; Dulles to Eisenhower, 18 June 1955, White House Correspondence Series, *DP*.

[39] 22 July 1955, PREM11/894, *PRO*.

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This was true regarding negotiations with the Soviet Union in general, but especially so when the subject was Germany. Sometimes the limits emerged from procedural considerations, sometimes from more substantive concerns.

With respect to process, for example, the president and the secretary of state tempered their enthusiasm with an insistence on maintaining a slow and careful pace. During the preliminary discussions of the Big Four foreign ministers in May, Dulles emphatically told Vyacheslav Molotov and Antoine Pinay that "in the few days which the heads of government would have available . . . they would be unable to resolve the problems which confronted the world. . . . But the meeting could give impetus to the machinery of negotiation. . . . The important thing was to evolve new mechanisms." At another point in this Vienna meeting, he argued that "there were no major problems which were susceptible of being solved by heads of government. They were not miracle men. Such subjects as Germany and disarmament could not be settled in two or three days."[40] This remained a key theme in the weeks ahead. Discussing a draft of the speech Eisenhower would give on departing for Geneva, the president and the secretary of state agreed to emphasize the goal of "setting up working procedures": "What is the purpose? It is not primarily to find quick solutions—quickies don't work out in these matters."[41] European allies could be frustrated by this approach, sometimes fearing it betokened a lack of seriousness in Washington, but it was in fact just a matter of emphasis and style. The extensiveness of American planning and the thrust of Washington deliberations make this clear. Hindsight helps here, but even at the time it should have been obvious. Dulles regularly encouraged London to polish "a large number of different types of solution" to the German problem. As he put it to the British ambassador, he would like to throw many "ideas into the hopper," as a way of "dangling . . . bait before the Russians" and encouraging serious ongoing negotiations.[42] There would have been no point in encouraging Moscow if Washington itself were uninterested.

Concerning the substantive features of negotiations, the most important example of the limits of American flexibility was the categorical resistance maintained toward the Soviet campaign for German neutrality. This was a high priority for Moscow. Both early and late, it insisted that it would not be able to tolerate reunification unless the defeated enemy remained unarmed and outside NATO. On 6 May for example, Bulganin told the French ambassador that "the Soviet Government's ultimate objective . . . remained the same, namely the creation of a unified, disarmed and democratic Germany. . . ." Ten days later, while signing the Austrian treaty, Molotov explicitly suggested that the neutrality agreed to in Vienna would be the model that would lead at last to a German settlement.[43]

[40] 14 May 1955, PREM11/893, *PRO*.

[41] Rostow, *Open Skies*, 167.

[42] 3 June 1955, PREM11/894; 14 June 1955, 9 July 1955, PREM11/895, *PRO*.

[43] 6 May 1955, PREM11/893, *PRO*; M. S. Handler "Molotov Names Neutrality as Price for German Unity," *New York Times*, 16 May 1955.

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While Eisenhower and Dulles were prepared to be genuinely tractable on many fronts, this was not one of them. Even before the Vienna treaty-signing ceremonies, Dulles had persuaded a cooperative Adenauer to publicly declare that some hypothetical Austrian neutrality would not be an acceptable policy for West Germany. In early May, when deliberating possible locations for a summit conference, Dulles argued against Vienna with this thought in mind. There would be "unfortunate repercussions" in Germany, he told the NSC: "Holding the conference in Vienna would appear to the Germans as a reward to Austria for having taken its position on neutrality. . . ."[44] By early June, both the secretary of state and the president were worrying about whether their European allies might be weakening here. Eisenhower was distressed by "alarming" reports from the continent regarding "popular pressures for a reduction of tensions and some form of East-West settlement." Dulles fretted that "The French are so uncertain, so unhappy, and in such a mess all over everywhere that they may fall for some Soviet trick. . . ." As for Eden, Dulles was "very much afraid that he may accept some near disastrous compromise in order to have whatever it is labelled 'Eden Plan.'" The United States would certainly not buckle. As the secretary of state summarized his and the president's views for the NSC just before leaving for Geneva, they "had never for a moment entertained the idea of agreeing" to a package deal regarding European security and arms limitations "unless Germany was first rearmed and unified."[45]

American resistance to German neutrality stemmed in part from familiar cold war concerns: a nonaligned state might not be able to resist communist subversion; a NATO-based Federal Republic, on the contrary, would be secure and capable of making a hefty contribution to overall western strength. This line of reasoning emerged constantly during the extended campaign for the European Defense Community, for example. "The big prize the Communists were after was, above all, Germany," Dulles told the Senate Foreign Relations Committee in 1953. EDC would help insure that they did not win it. On one hand, EDC would allow restoration of West German sovereignty and soothe the pride of former enemies turned potentially valuable allies. Until then the Soviet Union would dangle great temptations ("East Germany, restoration of the Polish boundary, trade") and "the first thing you know, Germany is going to be stolen right under our noses." "Unless the French can push this thing through," the secretary of state argued in 1954, "I see no future." Or, as he put it a few days later, "The trouble is when France drifts, Germany goes over the abyss." On the other hand, EDC could bring the tremendous boost of German armed forces to

[44] 18 May 1955 minutes, *NSC*; Audrey Kurth Cronin, *Great Power Politics and the Struggle Over Austria, 1945–1955* (Ithaca, NY: Cornell University Press, 1986), 156–157.

[45] 7 July 1955 minutes, *NSC*; Rostow, *Open Skies*, 160–163.

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the whole of Western Europe's security apparatus. "A substantial German force," Dulles argued, "will be the greatest shield that we could get."[46]

But the principal American policy makers of 1955 never contemplated German issues only through cold war lenses. Two world wars alone had given men like Eisenhower and Dulles decades of pre-cold war exposure to German issues. Dulles had been contemplating what he came to call "the Problem of Germany" as early as 1914. His personal experiences included the drafting of the "war guilt" clause at the Paris Peace Conference of 1919 and work as a lawyer on the Dawes Loan of 1924 and various cartel agreements between U.S. corporations and I. G. Farben.[47] What Dulles and others knew or felt about Germany produced worries only partially connected to U.S.-Soviet tensions. All through the late 1940s, for example, Eisenhower's future secretary of state warned against the reemergence of a powerful, independent Reich. "There are still 70,000,000 Germans possessed of great qualities of industriousness, discipline and ambition, painfully compressed in a strategic area," he said. Was there any guarantee that leadership would not be seized by "militant and vengeful persons who will surely again be found in Germany?" Would some try to "play both ends against the middle" and "develop a bargaining position between East and West?" Would "economic pressure" be used to achieve "a mastery of western Europe which they could not achieve by arms?"[48]

For Dulles, Eisenhower, and others, European integration offered the key means of dealing with this traditional German problem. NATO, the European Coal and Steel Community, EDC, WEU, Euratom, and the Common Market, it was felt, would provide enough "organic unity" to bridle the German warhorse. Like his close friend Jean Monnet, French politician and economist, Dulles was personally most concerned about continental economic integration. He wanted commercial and financial "forces operating upon Germans" which were "centrifugal and not centripetal," to make it possible "to develop the industrial potential of western Germany in the interest of the economic life of western Europe . . . without making Germans the masters of Europe." Thanks to the Coal and Steel Community, for instance, it was possible to do more than wish that "Germany . . . would never again want to make war"; a European structure was evolving in which "Germany . . . could not again make war even if it wanted to."[49]

[46] Ronald W. Pruessen, "The United States and the Federal Republic of Germany" in Robert Spencer, ed., *Perceptions of the Federal Republic of Germany* (Toronto: Center for International Studies, 1986), 75-76.

[47] For a full overview of Dulles's earlier life, including his extensive contacts with Germany and German issues, see Ronald W. Pruessen, *John Foster Dulles: The Road to Power, 1888-1952* (New York: Free Press, 1982).

[48] See, for example, Dulles addresses, 17 January 1947, 25 January 1947, 29 April 1947, 6 June 1947, 12 July 1947; Dulles memoranda, 7 March 1947, 30 March 1947, 11 February 1949, 14 February 1949; Dulles testimony to Senate Foreign Relations Committee, 4 May 1949, *DP*.

[49] For Dulles's interest in European integration, see Pruessen, *The Road to Power*, chaps. 12-13. For Eisenhower's closely related interest, see Ambrose, *Eisenhower: The President*, 120.

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Interest in integration was not sparked by concern for the German warhorse alone. All of the European states had old habits that American policy makers were hoping to break. Europe, Dulles often said, was "the world's worst fire hazard," where crowded and ambitious people had made war "a chronic condition." One of the great virtues of EDC, he maintained, was the way it would help reverse the tragic patterns typified by recurrent Franco-German conflicts. "The nations which have long led the West have so repeatedly fought each other that they have sapped their own vitality and diminished their authority and prestige," he argued in late 1953. "If the West cannot now build a safer home for its civilization, then its states will be judged bankrupt." Explicitly emphasizing that anxieties went beyond cold war concerns, Dulles added, "Even if the Soviet threat were totally to disappear, would we be blind to the danger that the West may destroy itself?"[50]

Long-standing anxieties about specifically German roots beneath the problem of Germany were very much part of U.S. thinking during the hopeful days of mid-1955. Even in the eagerly anticipated aftermath of WEU's ratification by Paris and Bonn, Dulles fretted about the solidity of the Federal Republic's attachment to the West. Preparing for the May 1955 North Atlantic Council meeting in France, for example—the first to which a German delegation would be accredited—he confessed to a desire to avoid any discussions of NATO force weaknesses for fear the Germans would "think they joined the wrong club."[51] In the aftermath of the council meeting, Dulles offered glowing words that communicated the scale of his previous worries:

> . . . there was a sense of a great event as the free German Republic took its place there. And when, you saw—because, you see, F and G come together in the alphabet—France and Germany sit side by side . . . as allies, you felt that a new page had been opened on European history. . . . This Western civilization, you know, almost committed suicide with its incessant wars. . . . And it bled itself in man and treasure. But I think now the thing has been put together in such a way that Western civilization took a new lease on life. . . .[52]

During pre-summit discussions of possible European security arrangements and troop reductions, the secretary of state was careful to remind his NSC colleagues that they needed to keep their eye on continental problems as well as Moscow. "Our forces were not stationed in Europe solely in relation to a Soviet threat," he cautioned, "but as a means of reassuring the French against the Germans." Eisenhower underscored Dulles's point by citing polls recently undertaken by the United States Information Agency in France, which suggested a high continuing level of continental anxiety about Germany.[53] Late summer would also

[50] Pruessen, *The Road to Power*, 309–310, 325; *FRUS, 1952–1954*, vol. v, 461–463.
[51] 8 April 1955 transcript, Telephone Conversation Series, *DP*.
[52] *Department of State Bulletin*, 30 May 1955.
[53] 7 July 1955 minutes, *NSC*.

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bring extensive, sometimes worried deliberations about Adenauer's September visit to the Soviet Union.[54]

Throughout the 1950s, Eisenhower and Dulles found any number of European leaders similarly concerned about the Problem of Germany and continental unity. "The Germans are always awkward allies," Eden argued in March 1955:

> Although the division of Germany, to which all the Powers have now grown accustomed, is not without its advantages to all of us, even to Soviet Russia, the Russians hold as a hostage the town of Berlin, where a conflagration may flare up at any moment. Furthermore, they have German unity in their gift at any time, and, if they wished, could offer it to the Germans on tempting terms tomorrow. . . . So long as Germany is divided the attachment of Western Germany to the Western Group will be precarious.[55]

Eden spoke of his anxieties during a June meeting with Adenauer, showing no qualms about being blunt in view of the chancellor's own well-known skepticism about Germany's past. "The main reason why he had wanted the London Agreements [for WEU]," Eden said, "was not so much the direct value of the twelve German Divisions thus pledged, but the desire to knit Germany closely with the West."[56] Not many months after the Geneva summit, Belgium's Paul Henri Spaak admitted to a similar perspective. "He had never been interested in EDC or any other of the European groupings except from the point of view of containing Germany," he told Eden. Looking dubiously at Adenauer's visit to Moscow and other late 1955 developments, he added that he was reminded of "a saying of Churchill's about the Germans: 'they are always either at your feet or at your throat'"; Spaak himself "thought they were moving up the anatomy."[57]

A Reach Too Far

In the history of the cold war, mid-1955 certainly seemed to be a propitious moment. Significant actors were poised for serious negotiations concerning major issues. The United States and the Soviet Union were on the brink of what many, including notoriously belligerent gladiators like John Foster Dulles, thought could be the end of the cold war. This did not happen, of course, and some of the dreams of those days have begun to come true only thirty-five years later. Why did high hopes fall flat? Failure is an important part of the story of 1955—and one which, like others, may have important resonance in the post-cold war era now finally dawning.

At the time, American leaders insisted that Soviet intransigence and perfidy were the principal causes of the failure to resolve basic problems. Eisenhower was prone to place blame particularly at Nikita Khrushchev's door. This "skillful,

[54] 11 August 1955 and 15 August 1955, memoranda of meetings, White House Meetings file, *DP*.
[55] 26 March 1955, PREM11/893, *PRO*.
[56] 19 June 1955, PREM11/894, *PRO*.
[57] 28 February 1957, PREM11/1337, *PRO*.

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ruthless" Soviet leader "does not want peace," the president said, "save on his own terms and in ways that will aggrandize his own power. He is blinded by his dedication to the Marxist theory of world revolution and Communist domination." Charles Bohlen, the American ambassador in Moscow, put the case more broadly. The Soviets talked about peaceful coexistence but were unwilling to put actions behind words: they wanted "peace at no price," he said.[58]

But the fuller records currently available suggest that shared culpability is a more reasonable verdict. Regarding the crucial issue of Germany, in particular, it is probably fair to say that lack of success in 1955 was almost inevitable because of the policies which understandable fears led both sides to adopt. The Soviet Union and the western allies appeared to be tantalizingly close to agreements. They were certainly all in a more genuine mood to negotiate than had been the case during previous years. Moscow had agreed to discuss reunification in spite of its earlier warnings about the consequences of WEU, for example, and had unconditionally recognized Adenauer's government in Bonn as well. The western powers had refused to reciprocate with recognition of the East German regime, but even Washington had resolved to be amenable about negotiation of arms limitations for Germany within the context of a broad European security agreement. Crucial elements of the problem remained, however. Shared fears of Germany ironically led both sides to hold back from the last stretch that would have been required to join hands across the narrowing chasm. Moscow could not yet see its way clear to accept a permanent partnership between its old enemy and its newer ones. Washington, London, and Paris, in turn, resisted the neutrality that might have again allowed the unbridling of the German warhorse.

One aspect of the specifically American approach to the opportunities of 1955 increased the already questionable odds against a settlement of the German issue. So heady was the optimism that permeated Washington that a particularly ambitious game plan regarding Eastern Europe was put into play. In the end, it only succeeded in setting off deafening alarm bells in Moscow and proved distinctly counterproductive.

Eastern Europe became the central focus of a general American strategy emphasizing determined toughness in the face of apparant Soviet moderation. The United States would genuinely negotiate about issues like German reunification and European force limitations, but it would never forget that it was in a position to negotiate from strength. As early as February 1955, John Foster Dulles was drawing on long-held beliefs to argue that there was only one appropriate way to deal with the increasingly "overextended" enemy:

> It was important to keep the Communist regimes under economic and other pressures. . . . the current Soviet situation showed this. The pressures had resulted in failures of the Soviet high command to meet their objectives. They had thrown out Malenkov,

[58] Dwight D. Eisenhower, *Mandate for Change 1953–1956* (New York: Doubleday, 1963), 522; 4 October 1955, FO371/116654, *PRO*.

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> the fellow who symbolized the failure. The Communist leaders were faced by a dilemma. They could not reduce their commitments, and they could not increase their resources fast enough to cover their commitments. This sort of dilemma tended to lead to a breakdown.[59]

The same message was repeated over and again in subsequent months by the secretary of state and others. As a Joint Chiefs of Staff paper put it just before the summit gathering, "the U.S. approach to the Geneva Conference should be based on the view that . . . the Soviet Union was weakening and that we should accordingly hold its feet to the fire."[60]

Moscow's satellites seemed to offer just the right kind of fuel. On 12 May, only days after formally agreeing to the British proposal for a summit conference, Dulles told Macmillan that "he thought the Western Powers would do well to open by formulating some fairly far-reaching and steep demand, perhaps on the lines of requesting free elections in Poland."[61] This individual detail fell by the wayside, but general pressure regarding the satellites remained a steady theme in U.S. pronouncements prior to the Geneva meetings. In a speech in San Francisco in June, which he called the "first act" of the summit, Dulles commented on promising signs of détente but cited the "servitude" of Eastern European peoples as a matter requiring attention before any genuine celebrations could be held. Eisenhower followed this up by remarking at a press conference that "there could be no real peace in the world" without freedom in Eastern Europe. All in all, a preparatory State Department paper summarized, Washington should "impress the Soviets deeply with the importance which the United States attaches to this subject and with the fact that we shall watch vigilantly to see what the developments are and use that as a rod for measuring the degree of cooperation which we can extend to the Soviet Union in other respects."[62]

For some of Eisenhower's advisers, the Eastern European rod was designed to punish more than measure. Nelson Rockefeller and a panel of psychological warfare experts, for example, believed the Geneva summit would provide a series of opportunities to "test" the Soviet Union. When Moscow failed the tests, as it was explicitly assumed it would, valuable dividends would flow. In particular, as participant Walt Rostow recalled, anticipated Soviet behavior could be used as the foundation for "an enlarged military budget and a more energetic policy in other directions."[63]

Key members of the administration approached Eastern European issues from a more positive perspective, however, in the sense that they optimistically anticipated results specifically in that region. This was certainly true of John Foster

[59] 7 July 1955, Telephone Conversation Series, *DP*; *FRUS, 1955–1957*, ii, 258.

[60] 7 July 1955 minutes, *NSC*.

[61] 12 May 1955, FO800/689, *PRO*.

[62] "Text of Speech by Dulles," *New York Times*, 25 June 1955; James Reston, "Eisenhower Gives Soviet Assurance on Geneva Talks," *New York Times*, 7 July 1955; Rostow, *Open Skies*, 186.

[63] Rostow, *Open Skies*, 26–31.

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Dulles. The secretary of state's extensive public and private words in mid-1955 make it clear that he was not simply looking for a usable failure. The exciting breakthrough on the Austrian Peace Treaty in May led him to believe that "The Iron Curtain is going to disappear." The celebrations in Vienna, Dulles told a television audience, were going to prove "contagious" in Hungary, Czechoslovakia, and elsewhere: ". . . the people of these satellite countries are going to want to be getting for themselves the things that they see the Austrians get. They want to dance in the streets with joy too some time." Or, as he put it to the NSC, "the Soviets may be loosing forces in the satellites which they would be unable to control."[64]

Optimism did not keep policy makers like the secretary of state from favoring the use of pressure to hasten the rollback of Moscow's power in Europe. Significantly, this was true even in the face of explicit awareness of the way satellite questions could impinge on the Soviet approach to wide-ranging negotiations. Regarding the key issue of Germany, for example, Dulles told British Ambassador Roger Makins as early as April 13 that Moscow would "be most unwilling to agree to any solution which left the frontiers of Poland and Czechoslovakia open to the influence of a unified Germany."[65] There was clear confirmation of this in Geneva. The day he returned to Washington, the secretary of state spoke to his brother at the CIA about Bulganin's and Khrushchev's stopover in Berlin en route to Moscow: they agreed that the Soviet leaders "are nervous. The Sec said . . . their worries re unification of Germany is [sic] the liquidation of the GDR and the affect on the other satellite countries." The same thought was expressed to the NSC a few days later:

> Secretary Dulles concluded that the Russians did not really fear German rearmament or German military power, but were afraid that any course of action leading to the eventual liquidation of the East German Government would upset their satellite system. Secretary Dulles cited present uneasiness in the satellites as an indication that the liquidation of East Germany now would bring about the situation which the Russians feared.[66]

In spite of this awareness, Eisenhower, Dulles, and others decided to continue pressing Moscow about Eastern Europe. In a final NSC session prior to departure for Geneva, the president made a point of articulating his concern that any forthcoming continental arms limitation agreement not "give recognition to the existing situation in the Soviet satellites." During the summit itself, the secretary of state assured his NSC colleagues a few weeks later, "our Delegation made very clear to the Russians that Soviet treatment of the satellites would be to us a barometer indicating their real intentions. Our Delegation had numerous opportunities to tell the Russians that good relations between the USSR and the

[64] 18 May 1955 minutes, *NSC*; *Department of State Bulletin*, 30 May 1955.
[65] 13 April 1955, FO371/114367, *PRO*.
[66] 25 July 1955 transcript, Telephone Conversation Series, *DP*; 28 July 1955 minutes, *NSC*.

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U.S. could never be achieved unless the Russians relaxed their control over the satellites."[67]

Nor was there any doubt that this emphasis would be maintained in the future. Before the end of July, Allen Dulles was asking his brother for "guidance" regarding Radio Free Europe broadcasts on "the satellite business." In early August, Eisenhower and John Foster Dulles decided to send Robert Murphy to Belgrade for "new soundings." And a week later, a broad post-Geneva policy statement was unveiled in the State Department. "The United States does not acquiesce in the present power position of the Soviet Union in Europe," it declared, "or in those policies of the Soviet Union which have made Soviet rule justifiably feared and hated in most of the world." Firm, ongoing pressure could make "an irreversible trend" of certain promising signs regarding the weakening of Moscow's "power position." Among potential targets for ongoing efforts were "the unnatural partition of Germany" and the "denial of a truly independent national existence to the satellite states."[68]

Optimism continued to accompany such policy impulses as well. In his secret report on the summit conference to the Senate Foreign Relations Committee, for example, the secretary of state happily speculated about the prospect of the Soviet Union being forced back to its own territory: "I would not want to put a date on it, but the way things are going, I think within 5 years there is a very good chance that will happen."[69] A White House meeting with Eisenhower a few weeks later saw Dulles musing about the promising situation in Yugoslavia:

> I said I rather foresaw that Tito now had the ambition to make himself the leader of a group of Communist states and attract them away from Moscow. I had particularly in mind Hungary, Rumania and Bulgaria. I said that Tito had stood for the Bukharin brand of Communism which believed that you could have Communism on a national basis and that Communist countries need not necessarily be under the iron discipline of the Soviet Communist Party as the leader of the world proletariat.
>
> I said that if this was his ambition, it was one that we could afford quietly to countenance.[70]

What is confirmed in the aftermath of the Geneva summit conference, therefore, is that the spring decision to pressure the Soviet Union regarding the satellites was not just a tactical or stylistic gambit designed to create a proper atmosphere for other issues. In the minds of Eisenhower, Dulles, and others, there was a substantive toughness and positivism that were focused directly on Eastern Europe itself.

Leaving aside the question of how this rollback approach may have been related to the dramatic developments of the following year, it dealt a devestating blow

[67] 7 July 1955 minutes, 28 July 1955 minutes, *NSC*.

[68] 27 July 1955 transcript, Telephone Conversation Series; Memorandum of conversation 11 August 1955, White House Meeting Series, *DP*; 15 August 1955, PREM11/1077, *PRO*.

[69] 25 July 1955 transcript, *FRC*.

[70] Memorandum of conversation, 11 August 1955, White House Meeting Series, *DP*.

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to the already fragile chances for successful negotiations in 1955. Washington had barely articulated its post-Geneva policy when Soviet leaders gave unmistakable indications that they were preparing for an indefinite division of Germany, for example. Although Adenauer visited Moscow in early September and secured Soviet recognition of the Bonn government, the overall course of negotiations suggested the odds against further movement. Even the old issue of German prisoners of war still held in the Soviet Union was only painfully and partially resolved. More to the point, Khrushchev was precisely articulate concerning the prospects of reunification in the face of WEU: "Do not ask us for what we cannot give you," he told Adenauer. "We cannot give you unification and we cannot do anything to help NATO."[71] Such words were underscored a mere week later. No sooner had the chancellor left Moscow than East German Premier Otto Grotewohl arrived. He quickly signed a treaty recognizing the equality and full sovereignty of the German Democratic Republic.

Late the following month, as the Big Four foreign ministers gathered again in Geneva, the Soviets linked these moves to the larger context first discussed at the summer summit. The Americans, British, and French offered to build all-European security arrangements as soon as free elections produced a unified Germany. Molotov insisted on an inversion of this plan: continental security arrangements involving a neutralization of Germany, that is, would have to precede reunification.[72]

The western foreign ministers knew full well that a resolution of the German issue was a virtual impossibility by the fall of 1955. Even before their meeting began in Geneva, for example, Macmillan wanted to discuss "how long . . . we should be toyed with by the Russians" before calling a halt to misleading negotiations. Dulles, for one, was nevertheless anxious to go through some motions. Among other things, he was concerned about a premature move to public toughness while Eisenhower was still recovering from a heart attack: "there is obvious danger in doing this at a time when the President is ill," he told Macmillan, "and when even though he expressed agreement with our action the whole world would feel that he did so in a perfunctory manner and that the world had been plunged into the danger of war because he was not actively at the helm."[73] As well, Dulles was anxious to have the chance to "hammer at free elections and at the freedom of German peoples to make own domestic and international decisions": this would have the virtue of "driving home to German and world opinion" the "unreasonableness and deviousness" of the Soviet approach.[74]

After three weeks and sixty hours of discussions, the charade came to an end and bitter finger pointing began. "In Geneva, where the spirit of Geneva was

[71] *Time*, 7 November 1955, 27.

[72] A brief overview of the Geneva foreign ministers meeting is in Barber, *The United States in World Affairs, 1955*, 74–77. The story can be followed in greater detail in *FRUS, 1955–1957*, vol. v: *Austrian State Treaty; Summit and Foreign Ministers Meetings, 1955*, 537–808.

[73] *FRUS, 1955–1957*, v, 620–621.

[74] Ibid., 676–678.

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born," *Time* declared, "the spirit of Geneva was laid to rest. The man who laid it to rest was Vyacheslav Molotov." The Soviets had failed to pass what Eisenhower had called "the acid test" of their purportedly reformed intentions.[75] Behind the scenes, Dulles took a more upbeat view that suggested the continuity of 1955's earlier thoughts and expectations. The failure of the foreign ministers meeting "clears the air at least for the time being," he wrote Adenauer from Geneva:

> I believe that the present position of the Soviet Union stems not from strength but from weakness. At the present time there is uneasiness within the satellite countries. The present rulers are in the main of the old Stalin school, and the people are demanding a government which will be less harsh and more tolerant and more expressive of the "spirit of Geneva" as they understand it.
>
> I think this accounts for the fact that the Soviet Delegation has felt that it could under present circumstances contemplate developments which could undermine the GDR, as that would have repercussions throughout the entire satellite world. . . . However, I think we can fairly anticipate that the satellite situation will gradually be resolved—I think in favor of governments which while initially still Communist will be much more nationalistic and responsive to national needs, i.e. along the Tito pattern. When this happens, the GDR can be reappraised by the Soviets. It will not be primarily significant in relation to all of Eastern Europe, but as an item that can be dealt with independently.[76]

Conclusion

At the least, even an impressionistic overview of developments surrounding the Geneva summit conference offers yet another demonstration of the inadequacy of older images. Some so-called Eisenhower revisionists have implied that the behavior of this president was almost the diametric opposite of what conventional wisdom would once have suggested. While the events of 1955 do not suggest anything as sweeping as this, they do make clear that American foreign policy at this point was far more complex than hoary cliches allow. It is simply not possible, for example, to go on describing the Eisenhower-Dulles team of these years as categorically simplistic in analysis or rigid in behavior. The president and his secretary of state could certainly tilt in this direction, but they could obviously tilt otherwise as well. This is amply demonstrated by their enthusiastic sensitivity to 1955's new opportunities and their willingness to flex established policies in order to take advantage of them. As well, deliberations about circumstances and eventualities reveal something other than the quasi-religious, ideological preoccupations once thought to be predominant in the 1950s. Assessing the situation in the Soviet Union and Europe, key Washington policy makers were obviously fluent in the language of geopolitics and international economics.

[75] *Time*, 21 November 1955, 26.
[76] *FRUS, 1955-1957*, v, 796.

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The evolving history of the Eisenhower years has relevance to our present post-cold war era. Mid-1955's developments certainly reveal this in both particular and general ways. One specific lesson discernible in the course of affairs surrounding the Geneva summit, for example, concerns the dangers of overreaching, even during a time of appealing opportunity. It is suggested by the American desire to hasten the rollback of Soviet power in Eastern Europe while simultaneously working for the reunification of Germany. There were no breakthroughs in Eastern Europe in 1955, of course, and the effort to secure them only increased the odds against achieving one in Germany. In the end, American policy makers allowed both their excitement and their appetites to burgeon to a baroque, counterproductive level. "Sometimes we are captains of history," Eisenhower had said in another context earlier in 1955. The uncertainty inherent in the "sometimes" proved prophetic later in the year, while the cockiness of the overall thought helps explain why.[77]

Perhaps Washington leaders had geared too many early cold war deliberations to crisis scenarios. Was there now a predisposition to melodrama even when the pendulum was swinging in a more promising direction? Or perhaps Eisenhower, Dulles, and others were practicioners of a sort of intellectual brinkmanship. Were they capable of shrewder, more sophisticated analysis than is usually recognized, ultimately unable to carry it far enough to counteract accumulated grievances and desires?[78] Whatever the explanation, the denouement of 1955's excitement speaks to the exhilarating 1990s: outsize ambitions and aggressive tactics can sap diplomacy's potential, yielding a failure to achieve not only the desirable, but also the possible.

There are doubtless any number of ways of reading the long-term meaning of the U.S. approach to Eastern Europe in mid-1955. Many other specific models or cautions can be divined in the now visible entrails of those months. The more general lesson worth emphasizing here is that the study of 1955 and other historical moments can help us think through the complex developments currently bursting around us.

Consideration of earlier times usually offers a double boon only rarely available with respect to present-day events: first, information; second, the perspective allowed by distance. A period as recent as the 1950s has now yielded up the records and sources that would be unavailable to all but a handful of people regarding the developments of the 1990s. Yet use of such "old" sources can make us sensitive to important patterns and complexities we might otherwise miss if we pondered only the current news reports. Well informed Americans of the Eisenhower era assumed that U.S. policies were the function of rigid cold war preoccupations and had little appreciation for the multifaceted nature of their leaders' perceptions and goals. How many at the time, for example, would have

[77] Ambrose, *Eisenhower: The President*, 233.

[78] See Pruessen, "John Foster Dulles and the Predicaments of Power" in Immerman, ed., *John Foster Dulles and the Diplomacy of the Cold War.*

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been privy to the way anxieties about past and future German or European behavior affected preparations for summit negotiations? How many well informed observers of the Bush era may be operating with similarly simplistic perspectives? Print headlines and television bites can be exciting, even addictive, but they make an inadequate diet for sustainable analysis. The study of history offers a meaningful supplement.

The history of any past era would likely demonstrate that complexity is often partially veiled from those living through that era. Study of the Eisenhower years may make us more sensitive to some of the particular complexities inherent in the visible present. 1990's echoes of 1955, in other words, are more than diverting historical curiosities. They involve almost identical major issues of vital significance to at least two different generations. They relate to fundamental problems of great power behavior and motivation. Why ignore earlier manifestations of either the issues or the problems? Far better to explore the possibility that at least some of the earlier subtleties and complexities we can now appreciate may be linked to present ones we might not otherwise notice. Though it has become much too faddish to decry the analytical errors of "Marxism," it does not seem likely that the late twentieth century will see a comforting demonstration of one of Marx's oft-quoted aphorisms: as history repeats itself, what had started as tragedy would become farce in the second incarnation. Can anyone really doubt that tragedy is still an all too conceivable scenario if there is another round of disappointed hopes and missed opportunities?*

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America's First Social Security System: The Expansion of Benefits for Civil War Veterans

THEDA SKOCPOL

Most of us hold to a nostalgic image of a smaller-scale and less complicated American past, believing that federal and state governments in the United States did not become significant providers of social welfare until the middle of the twentieth century. This received portrait of yesteryear contains much truth, yet it hardly prepares us for some startling facts. Between 1880 and 1910, the U.S. federal government devoted over a quarter of its expenditures to pensions distributed among the populace. Aside from interest payments on the national debt in the early 1880s, such expenditures exceeded or nearly equaled other major categories of federal spending.[1] By 1910, about 28 percent of all American men aged 65 or more, more than half a million of them, received federal benefits averaging $189 a year.[2] Over three-hundred thousand widows,

[1] Richard Franklin Bensel, *Sectionalism and American Political Development, 1880–1980* (Madison: University of Wisconsin Press, 1984), 67. Bensel computed his percentages from the *1936 Annual Report of the Secretary of the Treasury on the State of the Finances* (Washington DC: Government Printing Office, 1937), table 5, 362–63.

[2] In 1910 there were 562,615 invalid Civil War pensioners on the rolls, receiving $106,433,465, and the national population of males 65 years and over was 1,985,976. The sources for these figures are *Report of the Commissioner of Pensions*, included in *Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1910*, vol. 1 (Washington DC: Government Printing Office,

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orphans, and other dependents were also receiving payments from the federal treasury.[3] During the same period, thousands of elderly men and a few hundred women were also residents of special homes maintained by the federal government or their respective states.[4]

This article analyzes the political forces behind the growth of federal Civil War pensions, by far the most extensive and expensive of all the benefits that went to veterans and survivors of the war. The pattern and timing of pension expansion reveal that this was not merely a military program and not simply a mopping-up operation in the direct aftermath of the 1860s conflict. The human aftereffects of the Civil War interacted with intense political party competition between the 1870s and the 1890s to fuel public generosity toward a fortunate generation of aging men and their family dependents. As a result, the United States during the late ninteenth century became for many of its citizens a kind of precocious social spending state: precocious in terms of the usual presumption of an absence of federal involvement in social welfare before the New Deal, and precocious in terms of how the United States around 1900 compared to other western nations.

The Theoretical Context of This Case

Not only popular and scholarly conceptions of U.S. welfare history but also most existing social scientific writings on the growth of western welfare states leave us ill prepared to understand the expansion of Civil War pensions. This is not the place to do an extensive review of the scholarly literature on the origins and growth of social policies in modern national states.[5] But it is pertinent to underline that all of the contending perspectives within that literature have heretofore focused on policies targeted on wage-earners, employees, and their dependents, or else on socioeconomically and demographically defined broad categories of people such as the elderly poor.

"Logic of industrialism" theorists have focused principally on social insurance and old-age pensions, arguing that they grew up historically in tandem with industrialization and urbanization.[6] The idea is that workers and families needed

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1911), 146, 149; and U.S. Bureau of the Census, *Historical Statistics of the United States*, Bicentennial ed., pt. 1 (Washington DC: Government Printing Office, 1975), 15, series A 133.

[3] *Report of the Commissioner of Pensions* (1910), 272.

[4] Judith Gladys Cetina, "A History of Veterans' Homes in the United States, 1811–1930" (Unpublished Ph.D. dissertation, Department of History, Case Western Reserve University, 1977), chaps. 3–7. Veterans' homes, as well as state and local benefits for Union and Confederate veterans and survivors, are discussed in chap. 2 of my *Protecting Soldiers and Mothers*.

[5] For an overview of the literature, see Theda Skocpol and Edwin Amenta, "States and Social Policies," *Annual Review of Sociology* 12 (1986): 131–57. I critically discuss the applicability to the U.S. case of various explanations of social policy development in the Introduction to *Protecting Soldiers and Mothers*.

[6] For examples of "logic of industrialism" arguments, see Philips Cutright, "Political Structure, Economic Development, and National Social Security Programs," *American Journal of Sociology*

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public income supplements once they were removed from the land and became vulnerable to the vagaries of wage-labor markets. Culturally oriented scholars have argued that "national values" influenced how quickly various industrializing nations instituted social insurance programs for wage-earners. These scholars stress that the industrializing United States was an extreme "laggard" in the creation of any national social policies, because its reigning liberal values—individualism, voluntarism, economic laissez faire, and distrust of government—discouraged any federal initiatives in social policy until the Great Depression spurred the extraordinary initiatives of the New Deal.[7] Finally, scholars oriented to class analysis—above all those who have advocated what has been called the social democratic model of welfare state development—have looked more broadly at the industrial labor regulations as well as social insurance measures instituted by industrial capitalist democracies. Proponents of the social democratic model have emphasized causal variables referring to the organizational capacities of industrial wage earners, arguing that organizationally strong working classes have at times been able to overcome political resistance from capitalists to spur the early creation and full development of welfare states designed to buffer workers and unions from the full force of market capitalism.[8]

Despite the many important disagreements among proponents of these various schools of thought, all of them have tended to see modern welfare states growing up along with and in response to industrialization and expansion of wage and salaried groups in national economies. Not surprisingly, debates in these terms about the growth of modern welfare states have altogether ignored the expansion of Civil War benefits in the late-nineteenth and early-twentieth-century United States. These benefits, after all, belie the notion that the U.S. federal government was uninvolved in social provision prior to the New Deal. And Civil War benefits were neither demanded by nor primarily extended to industrial wage earners. Many farmers and townspeople, often denizens of America's least industrial northern states (such as Maine), were among those who received the most generously funded pensions soonest and in the greatest numbers within total state

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70 (March 1965): 537–50; Harold Wilensky, *The Welfare State and Equality* (Berkeley: University of California Press, 1975); and Robert W. Jackman, *Politics and Social Equality: A Comparative Analysis* (New York: Wiley, 1975).

[7] For examples of culturally oriented arguments, see Gaston Rimlinger, *Welfare Policy and Industrialization in Europe, America, and Russia* (New York: Wiley, 1971); Anthony King, "Ideas, Institutions, and the Policies of Governments: A Comparative Analysis," 2 parts, *British Journal of Political Science* 3 (July 1973): 291–313 and 3 (October 1973): 409–23; and Daniel Levine, *Poverty and Society: The Growth of the American Welfare State in International Comparison* (New Brunswick, NJ: Rutgers University Press, 1988).

[8] Major works by proponents of the social democratic model of welfare state development include John Stephens, *The Transition from Capitalism to Socialism* (London: Macmillan, 1979); and Walter Korpi, *The Democratic Class Struggle* (Boston, MA: Routledge and Kegan Paul, 1983). The entire school is ably reviewed in Michael Shalev, "The Social Democratic Model and Beyond: Two Generations of Comparative Research on the Welfare State," *Comparative Social Research* 6 (1983): 315–51.

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populations.[9] Indeed, because they were disproportionately likely to have immigrated into the United States after the Civil War, the unskilled wage-earners of America's greatest industrial centers in the late nineteenth century were often not eligible at all for the disability or old-age pensions that went to Union Civil War veterans and their dependents.

Elsewhere I have argued at length that social scientists can best understand the rythms and patterns of public social provision in modern national states by moving away from socioeconomically determinist theories toward what I call a "polity-centered" approach.[10] A nation's historically shaped governmental institutions and political parties have much to do with the kinds of public social-welfare benefits that are instituted, when, and by, and for whom. This is true in part because governmental officials and party politicians do not just respond to socioeconomic transformations in general; instead, officials and politicians pursue policies that reinforce the interests (and use the capacities) of the organizations within which their careers are embedded. The nineteenth-century United States had what Stephen Skowronek has aptly called a "state of courts and parties," in which party politicians were particularly well situated to shape governmental expenditures to the ends of partisan patronage.[11] The Republican party of the late nineteenth century was especially fortunate within U.S. patronage democracy, for it was able to knit together crossclass coalitions using complementary "distributive" public policies:[12] on the one hand, the Republicans devised finely adjusted tariffs to protect key industrial and agricultural interests while raising generous public revenues; on the other hand, they used Civil War pensions to distribute public largesse to additional groups in the North who were not so directly favored by the high tariffs. The administration of Civil War pensions, as we shall see, could also be managed to foster Republican electoral fortunes at watershed moments in the highly competitive politics of the late nineteenth century.

Governmental institutions and political parties also matter, because they afford special leverage to some social groups and ideas in politics, while making it more difficult for other groups and ideas to influence policy outcomes. In the late nineteenth-century United States, locally rooted and geographically widespread voluntary associations of Union veterans were ideologically well positioned to make claims as "saviors of the Republic"; and these groups enjoyed considerable access and leverage through congressional districts and intensively competitive party politics in the world's first mass democracy for white males. Meanwhile,

[9] Heywood Sanders, "Paying for the 'Bloody Shirt': The Politics of Civil War Pensions" in Barry Rundquist, ed., *Political Benefits* (Lexington, MA: D.C. Heath, 1980), 150–54; and Skocpol, *Protecting Soldiers and Mothers*, 135–38, app. 1.

[10] See the full discussion in Skocpol, *Protecting Soldiers and Mothers*, 39–60.

[11] Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (New York: Cambridge University Press, 1982), part 1.

[12] Richard L. McCormick, *The Party Period and Public Policy: American Politics from the Age of Jackson to the Progressive Era* (New York: Oxford University Press, 1986), chap. 5.

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the industrial wage-earners and trade-unionists, who have been identified as decisive to social policy making by many theorists of modern welfare states, were simply in a much weaker ideological and political position in the United States than they were in other industrializing capitalist countries of the day in Europe and Australia.[13] Not surprisingly, the first widespread program of honorable public social provision to develop in U.S. democracy was *not* workingmen's insurance or pensions for the poor alone, as in the fledgling foreign welfare states of the day. Rather, America's first national system of public social provision benefited a socioeconomically, ethnically, and, even racially diverse category of Union veterans and their dependents—people who happened to be especially well situated in the American political system in the decades following the northern victory in the Civil War.

Why do we need to pay attention to the structure and operation of the U.S. government and political parties to account for the expansion of federal Civil War pensions? Weren't these, after all, simply benefits for veterans that expanded automatically on account of the occurrence of the Civil War as a military conflict? Let me begin by dealing with this perfectly reasonable query. Then I shall recount the ways in which electoral competition, political party patronage, and crossclass political coalitions influenced the growth of generous federal social provision for many of America's elderly in the decades between the 1880s and the 1920s.

The Civil War: Necessary but Not Sufficient for Generous Social Benefits

The basic precondition for the later widespread disbursement of military pensions to military veterans and the survivors of deceased soldiers was the duration, intensity, and mass-mobilizing quality of the Civil War itself. "With the national economies on both sides fully integrated into their respective war efforts, the American Civil War was truly . . . the first 'total' war in the modern sense."[14] The conflict not only joined industrial with human mobilization; the pattern of warfare, especially once Union forces drove deeply into the South, was relatively unlimited in that it was directed against civilians and economic targets as well as military formations. What is more, the American Civil War, like the earlier French revolutionary wars and the later World Wars of the twentieth century, was "democratic," because the entire adult male citizenry was subject to calls to military service. At first, the calls in the North were voluntary; but in March

[13] See Ira Katznelson and Aristide R. Zolberg, eds., *Working-Class Formation: Nineteenth-Century Patterns in Western Europe and the United States* (Princeton, NJ: Princeton University Press, 1986); Richard Oestreicher, "Urban Working-Class Political Behavior and Theories of American Electoral Politics, 1870–1940," *Journal of American History* 9 (June 1976): 466–80; and Francis G. Castles, *The Working Class and Welfare: Reflections on the Political Development of the Welfare State in Australia and New Zealand, 1880–1980* (Boston: Allen and Unwin, 1985).

[14] R. Ernest Dupuy and Trevor N. Dupuy, *The Encyclopedia of Military History from 3500 B.C. to the Present*, 2nd rev. ed. (New York: Harper and Row, 1986), 820.

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1863 conscription was instituted for men 20 to 45 years old who could not pay commutation or arrange for substitutes.[15]

The Civil War was also by far the most devastating war the United States has ever experienced. Some statistical facts about the North's experience of the Civil War can help to convey how traumatic it was. (White southerners suffered an even greater human impact.) About 2,213,000 men served in the Union army and navy.[16] This included about 37 percent of the northern men between the ages of 15 and 44 in 1860[17]—fully comparable to the massive one-third of British men who served in World War I, a quintessential "total modern" war.[18] Overall, the Union side in the Civil War suffered 364,511 mortal casualities (including 140,414 battle deaths and 224,097 other deaths, mostly from disease).[19] These numbers translate into a ratio of about 18 northerners killed per thousand in the population, whereas only 1.31 Americans per thousand were to die in World War I, and 3.14 per thousand would become mortal casualties in World War II.[20] As for the Union military's wounded who survived, they numbered some 281,881, or about 14 per thousand in the northern population.[21]

The sheer dimensions of the Civil War as a martial event made possible the subsequent expansion of a generous pension system. This war created a large number of survivors of dead soldiers, along with many wounded and other veterans who might later claim rewards for latent disabilities or for their service alone. Nevertheless, no examination of the demographics of the war outside of the context of the nineteenth-century U.S. polity can account for the development of the pension system, as a contrast with the other major nation that experienced democratic military mobilization in early modern times.

From 1792 through 1815, revolutionary and Napoleonic France experienced mass-mobilizing wars. "Over two and a half million recruits passed through France's armies," most of whom died in combat or (especially) from disease, but

[15] Eugene C. Murdock, *One Million Men: The Civil War Draft in the North* (Madison: The State Historical Society of Wisconsin, 1971), chap. 1; and James W. Geary, *We Need Men: The Union Draft in the Civil War* (DeKalb: Northern Illinois University Press, 1991).

[16] *Historical Statistics of the United States, Colonial Times to 1970*, Bicentennial ed., Bureau of the Census, Department of Commerce (Washington, DC: U.S. Government Printing Office, 1975), part 2, 1140, series Y.

[17] The 37 percent figure was estimated as follows, from *Historical Statistics*, part 1, 22–23, series 172-194: I added the 1860 population in 15–24 and 25–44 for the Northeast, North Central, and West regions; then I multiplied by the proportion of males (51.36 percent) in the total populations of these regions in 1860. Then I divided the 2,213,000 who served on the Union side of the Civil War by the estimated 5,903,832 men, 15–44, who lived in the nonsouthern regions in 1860.

[18] Arthur Marwick, *War and Society in the Twentieth Century* (London: Macmillan, 1974), 61.

[19] *Historical Statistics*, Part 2, 1140, series Y, 856–903.

[20] I divided the northern mortal casualties by a total population figure of 20,310,000 outside the South obtained from *Historical Statistics*, part 1, 22, series A 172–194. Battle deaths in proportion to population for World Wars I and II come from J. David Singer and Melvin Small, *The Wages of War, 1816–1965: A Statistical Handbook* (New York: John Wiley, 1972), 260.

[21] *Historical Statistics*, part 2, 1140, series Y.

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some 150,000 of whom survived to be pensioned (along with an unknown number in the thousands who survived without pensions).[22] Benefits for French soldiers commenced in generous terms at the democratic height of the revolution, much as still more generous U.S. veterans' benefits were later to commence in the democratic North in the midst of the Civil War. Laws passed in France in 1793 reflected an historically unprecedented concern to pension not just officers but also disabled and needy common soldiers and the widows of soldiers who died in service.[23] The subsequent historical trajectory of French veterans' benefits was, however, conditioned by fiscal constraints and even more by the revival of bureaucratic controls and elite patronage under Napoleon.

In France after 1803, a large backlog of pension applications was efficiently processed by the bureaucracy, but the rates of pensions were sharply lowered, and the eligibility of common soldiers and their widows to receive help was restricted, even as French officers received proportionately more under the 1803 laws and through special grants to favorites from Napoleon himself.[24] Despite the benefit cutbacks, as backlogs of earlier-wounded veterans moved through the system, overall French pension costs attributable to the revolutionary and Napoleonic wars continued to rise modestly through the 1810s.[25] France continued during subsequent decades to do more for veteran common soldiers than did other European nations.[26] But its veterans' benefits did not for many years become as generous (in levels or coverage) as they had been at the height of the revolution. And they would never become anywhere near as legally liberalized, socially far-reaching, or costly as those of the late nineteenth-century United States. The contrast, I maintain, was between a mass mobilizing French revolution that gave way to centralized bureaucracy and only episodically redemocratized postrevolutionary regimes, and a U.S. Civil War that entailed democratic mass mobilization without centralized bureaucratic controls and subsequently gave way to a restoration of full-fledged federal patronage democracy.

A glance backward in U.S. history also suggests the importance of democratic politics for the long-term expansion of veterans' benefits.[27] At the time of the American Revolution, the only pensions seriously debated by the Continental

[22] Isser Woloch, *The French Veteran from the Revolution to the Restoration* (Chapel Hill: University of North Carolina Press, 1979), 206, 209–10, 308, and chap. 7 generally.

[23] Ibid.; and also Isser Woloch, "War-Widows Pensions: Social Policy in Revolutionary and Napoleonic France," *Societas* 6 (Autumn 1976): 235–54.

[24] Woloch, *French Veteran*, 101–109; and Woloch, "War-Widows Pensions," 244–51.

[25] Woloch, *French Veteran*, 206–207.

[26] See the report prepared for the U.S. Sanitary Commission during the Civil War, Stephen H. Perkins, *Report on the Pension Systems and Invalid Hospitals of France, Prussia, Austria, Russia and Italy, with Some Suggestions upon the Best Means of Disposing of Our Disabled Soldiers*, Sanitary Commission no. 67 (New York: William C. Bryant and Co., Printers, 1863).

[27] This paragraph is based on William H. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), chaps. 2 and 3 (specifically 94–95); and John P. Resch, "Federal Welfare for Revolutionary War Veterans," *Social Service Review* 56 (June 1982): 171–95.

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Congress were disability pensions for wounded soldiers and lifetime service pensions (at half-pay) for officers. In 1818, pensions were extended more generally to veterans of the U.S. War of Independence—but only to those who could prove the most dire poverty. Significantly, open-ended service pensions for all surviving Revolutionary warriors and widows—as opposed to the stricter disability and need-based pensions—did not emerge until after the advent of universal suffrage rights for all American white males. In 1832, service pensions were legislated for all veterans, benefitting some 33,425 men whose average age by then was 74.5 years. And in 1836, the widows of rank-and-file soldiers who had served during the War of Independence also starting receiving pensions. In contrast to postrevolutionary France, therefore, the postrevolutionary United States can be said to have further liberalized the terms of its military pensions, particularly after the advent of universal white manhood suffrage in its nonbureaucratic polity. But, of course, the expansions of U.S. military pensions prior to the 1860s were minimal compared to what was to come with the mass-mobilizing Civil War and its political aftermath.

Raising Massive Armies in a Democracy

Generous responses by the Union side to the needs of the soldiers and sailors fighting for its cause commenced within the first year of the Civil War, well before anyone imagined that the conflict would drag on so long and become so costly. The United States was a full democracy for white males, and the Republican party had risen to power in the name of "free land, free labor, and free men."[28] Generous treatment for soldiers was in accord with the outpouring of nationalist sentiment in the democratic North. It was also a practical necessity for a nonbureaucratic state, especially once the first rush of patriotic volunteering was over and prior to the institution of conscription in 1863. As John William Oliver, an early historian of Civil War pensions, put it, "our democratic nation was put to a test, the like of which few nations have had to meet. Without a creditable standing army, and lacking the power to compel men to enter upon military service, our Government had to resort to the policy of persuasion" to raise over a million volunteers in 1861 and 1862.[29]

During 1861, preexisting regular army benefits were granted to the first volunteers for the Civil War, yet this was understood to be only a stopgap approach. In February 1862, a new law specifically addressing the needs of Union soldiers and their dependents was enthusiastically enacted by the Republican-dominated Congress.[30] Secretary of the Interior J. P. Ushur proudly declared it "the wisest

[28] Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970).

[29] John William Oliver, "History of Civil War Military Pensions, 1861–1885," *Bulletin of the University of Wisconsin*, no. 844, History Series, no. 1 (1917): 5–6.

[30] Glasson, *Federal Military Pensions*, 124–25.

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and most munificent enactment of the kind ever adopted by any nation."[31] Subsequently, the 1862 law was rendered more generous and systematic by a steady stream of legislative tinkering; but it was destined to remain the baseline of the Civil War pension system until 1890. Under the 1862 law, the award of pension benefits was directly linked to disabilities "incurred as a direct consequence of . . . military duty" or, after the close of combat, "from causes which can be directly traced to injuries received or disease contracted while in military service."[32]

Despite "a feeling, shared by several members of Congress, that in an army made up of citizen soldiers rather than mercenaries, it would be unjust discrimination to pension an officer at a higher rate than a private,"[33] disability pensions under the 1862 law were graded according to rank. A lieutenant colonel or above totally disabled for manual labor originally received thirty dollars per month, while at the other end of the gradation of ranks, a private similarly disabled got eight dollars; and "proportionate pensions were to be given in each rank for partial disability."[34] Soon things became much more complicated, however. From 1864 on, new laws mandated special benefits (higher than those for total disability) for particular kinds of severe mishaps or for disabled veterans who required special attendants. In 1864, for example, the loss of both hands or eyes entitled a soldier to a pension of twenty-fiv[illegible] dollars a month, and within a decade this was raised to fifty dollars. The syste[illegible] soon became rather baroque; for example, by 1872 there were two grades of [illegible]ability for manual labor; the loss of one arm at the shoulder joint was worth $1[illegible]0, while the loss of an arm above the elbow joint was worth $15.00 a month; an[illegible] the loss of sight in one eye, the sight of the other having been lost before enlistm[illegible]nt" was compensated at $31.25 a month![35] Much room for initiative and interpr[illegible]tion was introduced into the system, for veterans and doctors had to make t[illegible] case for conditions such as "disability equivalent to the loss of a hand or a fo[illegible]" and the Pension Bureau had to decide which claims or combinations of claims[illegible] allow. In later years, such extremely difficult to interpret conditions as "chron[illegible] diarrhea" and "nervous prostration" came to be covered by special pension r[illegible].[36]

Under the 1862 law, widows, orphans, and other depe[illegible]nts of those who died for causes traceable to their Union military service al[illegible]eceived pensions at the rates their relatives would have gotten for total disab[illegible]ies.[37] The rates for dependents were very generous by preexisting historical sta[illegible]rds in the United

[31] As quoted in Oliver, "History of Civil War Military Pensions," 9–10, fr[illegible] House Exec. Documents, 38th Congress, 2nd sess. 1864–65, vol. 5, 11.

[32] As quoted in Glasson, *Federal Military Pensions*, 125.

[33] Oliver, "History of Civil War Military Pensions," 9.

[34] Glasson, *Federal Military Pensions*, 126.

[35] Ibid., 129–38, esp. the table on 133.

[36] Ibid., 138.

[37] This paragraph draws upon ibid., 126–28, 138–42; and Oliver, "A History of Civ[illegible]r Military Pensions," 10, 21–22.

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States and beyond; and the range of potential beneficiaries also became remarkably broad. According to the 1862 law, for example, dependent mothers and sisters of dead or injured solidiers could under certain circumstances receive pensions, and in due course dependent brothers and fathers were also made eligible. Normally, only one dependent relative was eligible at a time (for example, a mother if there was no widow, and so forth). In 1873, however, extra amounts were added to widows' benefits for each dependent child.

Patterns of Pension Growth after the Civil War

Given the generosity of the basic Civil War pension law, as well as the magnitude of the needs immediately generated by the war, it is hardly suprising that each year thousands of former soldiers and survivors of soldiers who had died applied for military-disability pensions. Before pensioners from the Civil War started to be added to the rolls in 1862, the United States was paying benefits to 10,700 veterans and widows at a total cost of about $1 million per year; and beneficiaries and expenditures were declining each year.[38] By 1866, however, the Civil War enrollments had suddenly swelled the pension list to 126,722, with total disbursements mounting to about $15.5 million.[39] From 1866 through 1873 and 1874, the numbers of pensioners and the cost grew steadily as the human costs to the northern side of America's massive internal bloodletting registered in the public fisc.

The pension costs of the Civil War seemed to peak in the years after 1870, just as one might expect for a benefit system tied directly to disabilities incurred in wartime service. "We have reached the apex of the mountain," declared Commissioner of Pensions James H. Baker in 1872.[40] The numbers of new applications declined after 1870; the total number of pensioners stopped growing in 1873; and the total expenditures reached an apparent upper limit in 1874.[41] Although there were complaints about fraudulent pension claims even in this early period, the political impact of this concern was undercut when the system seemed to stop expanding.

Part of the reason for the mid-1870s pause in the expansion of the Civil War pension system must have been that the subjectively most pressing needs of the (then-youthful) veterans and survivors had already been addressed. True, the Pension Bureau refused to accept about 28 percent of the applications it received between 1862 and 1875.[42] Yet it is important to realize that large numbers of

[38] Glasson, *Federal Military Pensions*, 124.

[39] Ibid., 273.

[40] As quoted in Oliver, "History of Civil War Military Pensions," 39.

[41] Glasson, *Federal Military Pensions*, 148–49.

[42] I calculated an acceptance rate of 72 percent (and a rejection rate of 28 percent) from figures presented for the years 1861 and after in the *Annual Report of the Commissioner of Pensions for 1888* (Washington DC: Government Printing Office, 1888), 35, table 6. The number of applications filed is calculated for the years 1861 through 1875, and the number accepted is calculated for 1861

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potential pensioners did not apply at all. Although the requirement to demonstrate service-connected disabilities obviously limited applications from veterans, many potentially eligible veterans and survivors failed to apply for pensions during the decade after the war's end. A desire to forget the war and get on with life, an absence of financial need, unfamiliarity with the possibilities or the application procedures, and a reluctance on the part of some to take handouts from the government—all of these factors may have been involved in the initially low take-up rate for Civil War disability pensions. And that rate truly was rather low. Among the survivors of the Union soldiers who were killed during the war, plus the survivors of the veterans who died by 1870, only about 25 percent were receiving dependents' pensions in 1875.[43] We know that about 15 percent of the surviving ex-soldiers in 1865 had been wounded during the war.[44] Presumably most of them, if motivated, would have been in a very good position to claim some sort of disability benefits, and this does not include many others who could make the case for later disabilities that had remained latent during the war. Yet Table 1 reveals that only 6.5 percent of all veterans, or about 43 percent of the formerly wounded men who might have been especially eligible, had signed up for disability pensions by 1875.

Despite the initial reluctance of many veterans and surviving relatives to claim pension benefits, the "apex of the mountain" for Civil War pensions came not in the mid-1870s as Commissioner Baker declared, but two decades later. Along with Table 1, Figure 1 helps to show what happened to the Civil War pension system as it evolved from a generous, partially utilized program of compensation for combat injuries and deaths into an even more generous system of disability and old age benefits, which were ultimately taken up by over 90 percent of the Union veterans surviving in 1910. In contrast to what happened in France after the revolution, the terms of eligibility for U.S. veterans' pensions became steadily more liberal in the decades after the Civil War. Accordingly, after the mid-187[illegible], the numbers of pensioners and the costs resumed upward trajectories and [illegible]n-

through 1876, in the conviction that many applications filed in 1875 may have been proce[illegible] during 1876. Interestingly, the 28 percent rejection rate for 1861 to 1875 was considerably lo[illegible] than the rejection rate of about 38 percent for the entire period from 1861 to 1888. Presumably applications in the period during and right after the Civil War were more likely to be corro[illegible]ted by hard evidence of death or disability.

[43] For the war's mortal casualities of 364,511 see footnote 20; for the 106,669 r[illegible]nts of pensions for widows and dependents in 1875, see Glasson, *Federal Military Pensions*, 1[illegible] divided the latter number by the former, to get a take-up rate of 29.3 percent. But actually, t[illegible]ercentage must be low, because about 100,000 more men died between 1864 and 1870, most p[illegible]nably due to causes traceable to the war; and their relatives would have had time to apply fo[illegible]isions before 1875. If these are included, the take-up rate for dependents' pensions in 1875 b[illegible]es 23 percent.

[44] I arrived at a percentage of 15.4 by dividing the number of wound[illegible]rvivors of the Civil War (for which see footnote 16) by the number of union veterans in civ[illegible]in 1865 given in Table 1. Of course, this is only a rough estimate, because some of the we[illegible]d surely died during 1864–1865, and others of the originally wounded who later recovered[illegible]have remained in the regular military after the end of the war.

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TABLE 1

Take-Up Rates for Civil War Pensions

	Union Veterans in Civil Life	*Disabled Military Pensioners*	*Percent of Veterans Enrolled as Pensioners*
1865	1,830,000	35,880	1.96
1870	1,744,000	87,521	5.02
1875	1,654,000	107,114	6.48
1880	1,557,000	135,272	8.69
1885	1,449,000	244,201	16.85
1890	1,322,000	—	—
1891	—	520,158	39.34
1895	1,170,000	735,338	62.85
1900	1,000,000	741,259	74.13
1905	821,000	684,608	83.39
1910	624,000	562,615	90.16
1915	424,000	396,370	93.48

Sources: *Historical Statistics of the United States, Colonial Times to 1970*, Bicentennial Edition, Bureau of the Census, Department of Commerce (Washington, DC: U.S. Government Printing Office, 1975), part 2, series 957–970, 1145.

William H. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), 144, 271, 272.

tinued to grow until the facts of generational mortality overtook the ingenuity of politicians at channeling ever higher benefits to ever more people.

There were several notable legal watersheds along the way. The 1879 Arrears Act allowed soldiers with newly discovered Civil War-related disabilities to sign up and receive in one lump sum all of the pension payments they would have been eligible to receive since the 1860s. A decade later, the 1890 Dependent Pension Act severed the link between pensions and service-related injuries. Any veteran who had honorably served ninety days in the Union military, whether or not he had seen combat or been in any way hurt during the war, could apply for a pension if at some point in time he became disabled for manual labor. In practice, old age alone soon became a sufficient disability, and in 1906 the law was amended to state this explicitly.[45] After the turn of the century, moreover, Congress several times significantly raised the general benefit levels for both veterans and surviving dependents.

What happened after the mid-1870s to the Civil War pension system? Clearly, pensions became caught up in politics. But how, exactly? Certain political mechanisms that might have fueled expansion have been suggested by the small number of social scientists who have examined the matter. Let me comment briefly on their ideas before I develop my own arguments.

[45] U.S. Bureau of Pensions, *Laws of the United States Governing the Granting of Army and Navy Pensions* (Washington DC: Government Printing Office, 1925), 43.

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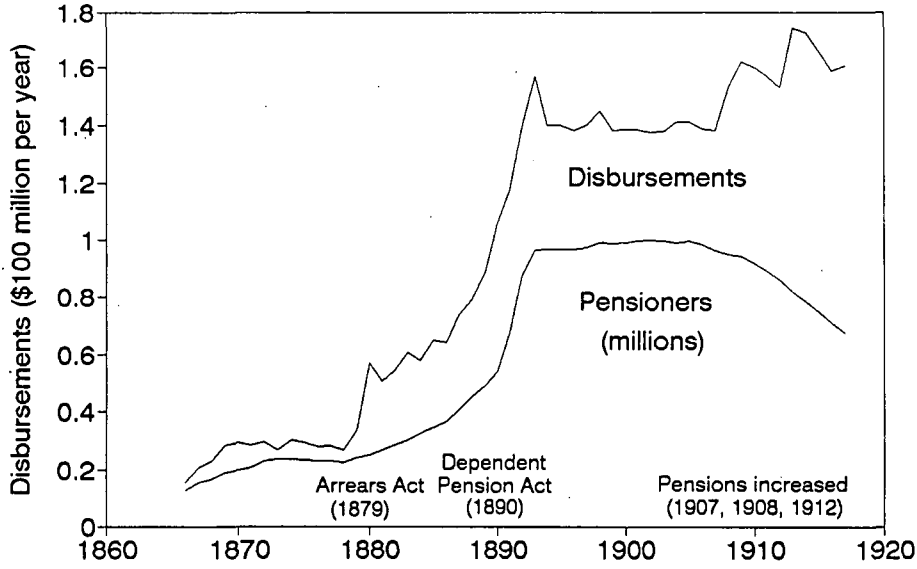
FIGURE 1
The Expansion of Civil War Pensions, 1866–1917



Source: William H. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), 273.

One argument about the liberalization of Civil War pensions is a pressure group thesis.[46] After the Civil War, hundreds of thousands of former Union soldiers organized themselves into veterans' associations, which in turn repeatedly lobbied Congress to improve benefits. Indeed, this social demand argument gains plausibility from the highly visible role that the most important northern veterans' organization, the Grand Army of the Republic (GAR), played in lobbying for legal liberalization in the years prior to the Dependent Pension Act of 1890, and the glee with which the organization greeted this law when it passed.[47] Other facts militate against simple reliance on the GAR pressure group thesis, however. During the 1870s, when the Arrears Act was urged through Congress, the Grand Army of the Republic was at best limping along, with many of its state-level departments in severe disarray and others avoiding political entanglements by concentrating on local fellowship and charity.[48] The national Grand Army of

[46] James Q. Wilson, "The Rise of the Bureaucratic State," *The Public Interest* 41 (Fall 1975): 88–89.

[47] Mary Dearing, *Veterans in Politics: The Story of the G.A.R.* (Baton Rouge: Louisiana State University Press, 1952), 397–401.

[48] On the situation of the Grand Army in the 1870s, see Robert B. Beath, *History of the Grand Army of the Republic* (New York: Bryan, Taylor, and Co., 1888); Dearing, *Veterans in Politics*, chap. 6; Frank H. Heck *The Civil War Veteran in Minnesota Life and Politics* (Oxford, OH: Mississippi Valley Press, 1941), 11–12, and chapter 2 generally; Edward Noyes,"The Ohio G.A.R. and

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the Republic did not officially endorse or lobby for the Arrears Act, which actually seems to have affected the GAR more than vice-versa.[49] The new law stimulated thousands of applications for membership in veterans' associations (of which the GAR was the strongest) and also intensified the interest of Grand Army leaders in pension legislation and administration. In 1881–1882, the GAR set up a Washington DC-based Pensions Committee to lobby Congress and the Pensions Bureau. The most rapid expansion of the GAR came during the 1880s—"immediately after the society . . . began its aggressive campaign for government aid to veterans." The organization reached the peak of its membership in 1890, when it enrolled 39 percent of all surviving Union veterans.[50] After 1890, as during the decade before, the GAR continued to pressure Congress on behalf of ever-more liberalized pension laws. Yet the GAR never did get all that it asked Congress to give; and even the Dependent Pension Act of 1890 fell a little short of the straight service pension (that is, for all veterans aged 62 and above, with no disability clause) that many within the GAR were demanding.[51]

Another argument stresses the link between protective tariffs and the expansion of pension expenditures. Generous Civil War pensions become in this view a way to siphon off the embarrassing fiscal surpluses that high tariffs incidentally produced. Those supposedly pulling the political strings were protection-minded businesses in the northeastern "core" region of the country. The Republican party is pictured as controlled by such protectionist business interests, while the Democratic party opposed both high tariffs and generous pensions because both worked to the fiscal disadvantage of the South and other places (including New

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Politics from 1866 to 1900," *The Ohio State Archaeological and Historical Quarterly* 55 (1946): 80-81; and George J. Lankevich, "The Grand Army of the Republic in New York State, 1865–1898" (Unpublished Ph.D. thesis, Columbia University, 1967), chaps. 4–6.

[49] Stuart Charles McConnell, "A Social History of the Grand Army of the Republic, 1867–1900" (Unpublished Ph.D. dissertation, Johns Hopkins University, 1987), 368–79; Elmer Edward Noyes, "A History of the Grand Army of the Republic in Ohio from 1866 to 1900" (Unpublished Ph.D. dissertation, Ohio State University, 1945), 79–89; and Lankevich, "Grand Army in New York State," 142–56.

[50] Wallace Evan Davies, *Patriotism on Parade: The Story of Veterans' and Hereditary Organizations in America, 1783–1900* (Cambridge, MA: Harvard University Press, 1955), 36, 160; and Stuart McConnell, "Who Joined the Grand Army? Three Case Studies in the Construction of Union Veteranhood, 1866-1900" in Maris A. Vinovskis, ed., *Toward a Social History of the American Civil War: Exploratory Essays*, (New York: Cambridge University Press, 1990), 141. McConnell reports a slightly higher GAR membership figure for 1890 (427, 981) than does Heck, *Civil War Veteran in Minnesota*, 257 (409, 489). I adjusted the percentage from McConnell, because Heck's figure crosschecks with the number officially given in *Journal of the Twenty-fifth National Encampment, Grand Army of the Republic* (Rutland, VT: Tuttle Company, 1891), 66.

[51] Although advocates of straight service pensions managed to get the National Encampments of the GAR to endorse that option in 1888 and 1890, key national GAR leaders preferred the more moderate disability-service pension that was actually enacted in 1890. Thus during 1889, the GAR's national Pension Committee supported the introduction of both types of bills in the respective houses of Congress. See McConnell, "Social History of the Grand Army of the Republic," 377; and Lankevich, "Grand Army in New York State," 235–37.

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York City) with a stake in free commerce.[52] Midwestern agricultural areas that might otherwise have had an interest in free trade are considered to have been bought off by the disproportionate flow of pensions funded by tariff revenues to veterans and survivors in those areas. In current scholarship, this argument is most clearly put forward by the political scientist Richard Bensel.[53]

The historical sociologist Jill Quadagno adopts basically the same perspective, but also stresses that the 1890 pension liberalization was not as complete as it might have been, because provisions for a straight service/old-age pension were not incorporated into the legislation the Congress finally adopted. She attributes what she calls the "defeat of a national old-age pension proposal" in 1890 to the growing strength of free-trade proponents within the ranks of northern big business.[54] In my view, the evidence Quadagno offers for such free-trade business input to the 1890 legislative process is very skimpy. But it may not matter because Quadagno makes too much of the slight concessions to fiscal responsibility built into the 1890 Dependent Pension Act. This law can hardly be called a defeat for old-age coverage, because it soon became, through administrative ruling and later legislative tinkering, a pension for all elderly Union veterans who had served ninety days or more.

What was the relationship between pensions and tariff revenues? Figure 2 shows that customs receipts constituted between 30 percent and 58 percent of federal revenues during the entire period between the Civil War and World War I. Figure 3 shows that there was, indeed, a federal budget surplus—that is, an excess of total receipts over current expenditures—from 1866 to 1893. Clearly the Dependent Pension Act of 1890, designed to make many more veterans eligible for pensions than under any previous laws, passed after a decade of spectacular federal surpluses. Curiously, however, the Arrears Act of 1879 passed at a time when there was practically no surplus—that is, when the customs receipts of the day were actually being spent on other items, especially on retiring the debt. Supported by both Republicans and northern Democrats, this critical piece of pensions legislation passed without a close connection to the spending of surplus revenues, and indeed there were many worries about how to cover its anticipated cost.[55] One suggestion at that time for paying the pension bill, which surely did not appeal to eastern business interests, was to expand the money supply by printing Greenbacks. This notion came from George Lemon, a prominent Washington pension attorney (who would later become a vocal advocate

[52] See William H. Glasson, "The South and Service Pension Laws," *South Atlantic Quarterly* 1 (October 1902): 351–60.

[53] Richard Franklin Bensel, *Sectionalism and American Political Development, 1880–1980* (Madison: University of Wisconsin Press, 1984): chap. 3.

[54] Jill S. Quadagno, *The Transformation of Old Age Security: Class and Politics in the American Welfare State* (Chicago: University of Chicago Press, 1988), 36–47.

[55] Glasson, *Federal Military Pensions*, 163, 166–73. In fact, because of the worries over costs, when the appropriations for the act were made, some new provisions were added to limit somewhat the amounts of arrears paid to successful applicants (see 172–73).

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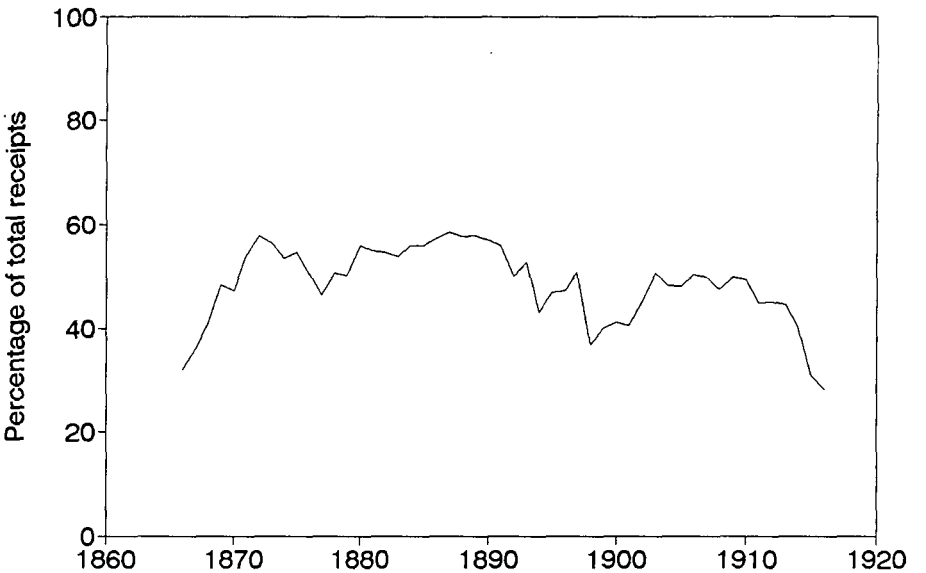
FIGURE 2

Customs Receipts as Percentage of Total Federal Receipts, 1866–1916



Source: *Historical Statistics of the United States: Colonial Times to 1970*, Bicentennial ed., pt. 2 (Washington, DC: Bureau of the Census, 1975), 1106, series Y352, Y353.

of linking tariffs and pensions).[56] Apparently Lemon always put pensions first, which makes sense given that pension attorneys reaped a fee from every pension application they could drum up, and Lemon handled tens of thousands of cases.

Arguments pointing to organized veterans or tariff advocacy by protectionist northeastern industrialists are not so much wrong as incomplete and underspecified. Such groups were part of the Republican-orchestrated coalition behind the 1890 Dependent Pension Act. But there were other instruments in the band; and the party leaders who set the tune had their own organizational interests above and beyond those of the GAR and business groups.[57] The expansion of Civil War pensions must be understood in relation to the structure of the nineteenth-century U.S. state and situated in terms of the dynamics of political party competition after the Civil War. The expansion of Civil War pensions reflected the proclivity of the nineteenth-century U.S. political parties to enact distributive policies,

[56] Lemon's suggestion appeared in his newspaper, the *National Tribune*, February 1879. Subsequent issues show his advocacy of tariffs and the use of customs revenues to pay for ever-more generous pensions.

[57] For a political dispute in which the preferences of party politicians differed from those of business groups advocating tariff reform, see S. Walter Poulshock, "Pennsylvania and the Politics of the Tariff, 1880–1888," *Pennsylvania History* 29 (July 1962).

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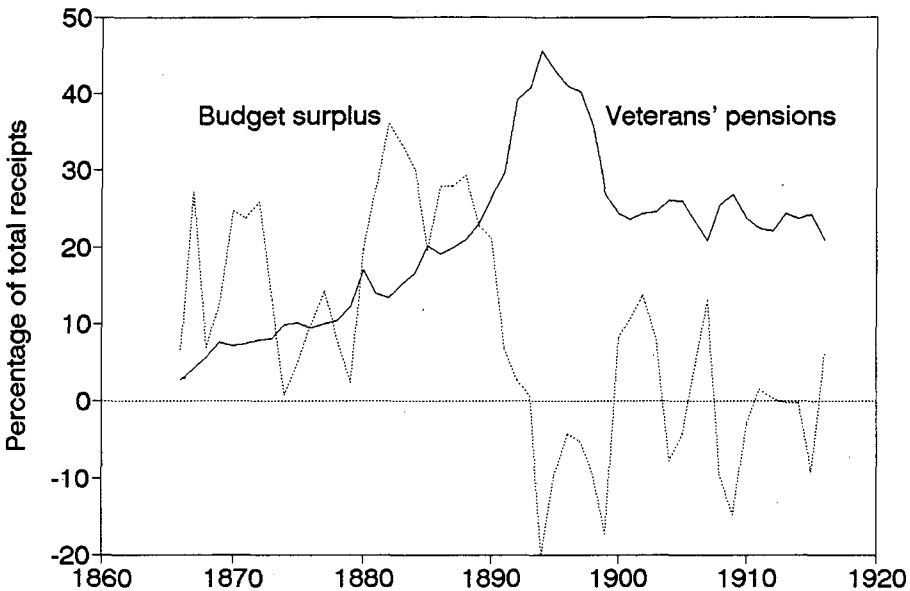
FIGURE 3
Federal Surplus (Deficit) and Veterans' Pensions as Percentage of Total Receipts, 1866–1916



Source: *Historical Statistics of the United States: Colonial Times to 1970*, Bicentennial ed., pt. 2 (Washington, DC: Bureau of the Census, 1975), 1106, series Y352, and 1104, series Y337; and William H. Glasson, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), 273.

which allowed the spread of sometimes carefully timed and targeted benefits to key supporters in their geographically widespread crossclass constituencies.[58] The important legal watersheds also reflected the changing competitive strategies of the major political parties; and the forms of new legislation maximized possibilities for using pensions to recruit voters.

After the end of Reconstruction, the Republicans became locked in tight national-level competition with a revived Democratic party for control of the presidency and the Congress. This competition lasted until after the realignment of 1896, when the Republicans again became nationally dominant. The initial major liberalization of Civil War pensions through the Arrears Act was spurred by the revival of tight party competition. Yet the ensuing expansion of pensioners and pension costs soon worked differentially to the advantage of the Republican party, which learned the uses of the Pension Bureau in managing the application

[58] See Richard L. McCormick, *The Party Period and Public Policy: American Politics from the Age of Jackson to the Progressive Era* (New York: Oxford University Press, 1986), esp. chap. 5. For a discussion of how nineteenth-century U.S. political arrangements furthered distributive social policies, see Skocpol, *Protecting Soldiers and Mothers*, chap. 1.

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backlog spurred by the Arrears Act. After the mid-1880s, the national Democrats emphasized tariff reductions and backed off from pension liberalization, while the Republicans became the champions of a politically as well as fiscally complementary set of generous distributive policies, including pensions along with tariffs. The Dependent Pension Act of 1890 was very much a Republican-sponsored measure, an intraparty compromise; and later slight changes in this law also came under Republican auspices.

The Arrears Act and the Competitive Politicization of the Pension Question

The Arrears of Pension Act passed the House on 19 June 1878 went through the Senate on 16 January 1879, and was signed into law by President Rutherford B. Hayes on 25 January. According to this law (as later amended in the appropriations process), whenever applicants for pensions had been awarded benefits starting some years after the war, their cases should be reopened and payments made back to the date of their discharge from the military or the death of the family breadwinner. What is more, anyone who applied for a new pension (up until July 1880) would, assuming it was eventually granted, automatically receive as part of the first payment all of the "arrears," or previous pension payments, to which he or she would have been entitled from the time of discharge or death. "The average first payment in 1881 to army invalids was $953.62; [and] to army widows, minor children, and dependent relatives, $1,021.51."[59] At a time in U.S. history when the average annual money earnings of nonfarm employees totaled about $400, these were considerable windfalls that could be put to excellent use.[60] As Hayes would later write in defense of signing this legislation: "Look at the good done. In every county of the North are small but comfortable homes built by the soldier out of his arrearage pay."[61]

The Arrears Act originated partly from a genuine desire to rationalize and reform preexisting laws, and partly from a politically well timed lobbying campaign organized by a few prosperous pension attorneys. For one thing, many members of Congress and officials were perturbed by inequities among veterans traceable simply to the date at which they applied for pensions; and in the current session House members had introduced more than eighteen-hundred private bills attempting to address such problems for individuals.[62] New laws often originate in this way, as officials and politicians themselves become dissatisfied with the

[59] Glasson, *Federal Military Pensions*, 175.

[60] *Historical Statistics of the United States, Colonial Times to 1970*, part 1, 165, series D 735–738.

[61] From Rutherford B. Hayes's 14 December 1881 letter to William Henry Smith, as quoted in Glasson, *Federal Military Pensions*, 164.

[62] Oliver, "History of Civil War Military Pensions," 51–52.

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operation of earlier policies and create revised measures, typically more expensive or interventionist, to correct the situation.

In addition, the leveling off of new applications in the 1870s was a problem for pension attorneys, and some major attorneys saw arrears legislation as an excellent way to stimulate renewed business. Because pension attorneys collected fees limited by statute to $10 apiece for each application they helped assemble and shepherd through the Pension Bureau, they had a strong interest in generating as many applications as possible. "By means of subagents and a very thorough system of advertising they were 'drumming' the country from one end to the other in search of pension claims. . . . Claims agents and attorneys were building up an enormous practice. Those most skilled in the system were gradually drifting to the nation's Capital. There they divided their energy between handling claims and lobbying for more favorable pension legislation."[63] In October 1877, leading pension attorney George E. Lemon launched the *National Tribune*, a periodical news sheet distributed to Union veterans across the country, in order to agitate for arrears legislation and advertise his own firm's services. Another pension attorney, N. W. Fitzgerald, used the competing news sheet, *Citizen Soldier*, to the same end. And Captain R. A. Dimmick set up a lobbying group, the Soldiers' Association, to generate petitions advocating arrears legislation to be sent to Congress and state legislatures.[64]

Pension attorneys did not always get their way, however.[65] Therefore, it was very important that northern elected politicians from both parties were highly susceptible at this juncture to arguments on behalf of the Union soldiers and survivors. From the mid-1870s, with Reconstruction at an end and the Democratic South back in the national electorate, the two major parties became closely competitive both in national elections and in state elections throughout much of the East and Midwest. The Democrats regained control of the House in 1875 and were clearly savoring their renewed prospects for national power. For a time, the Democrats saw the pensioners' cause as a way to prove their nationalist credentials in the North, neutralizing the Republicans' "bloody shirt" tactics.[66] Neither party wanted to appear ungenerous to the widows and disabled soldiers.

The Democratic-controlled House was the first to pass the Arrears bill, with only four nonsouthern Democrats dissenting and no Republicans opposed.[67] While the bill was pending before the Senate, twenty-five senators faced reelection in their state legislatures, which chose senators in those days. Pressure orchestrated by the pension agents was directed to the state legislatures in order to influence their choices or to encourage incumbent senators to support the Arrears

[63] Ibid., 53.

[64] These facts come from Glasson, *Federal Military Pensions*, 156–57.

[65] For example, the attorneys had been forced to accept statutory limits on their fees for handling pension applications.

[66] On this point, see Dearing, *Veterans in Politics*, 243–47.

[67] This paragraph is based on Oliver, "History of Civil War Military Pensions," 53–56.

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bill. In the end, the Arrears Act passed the Republican-controlled Senate with virtually unanimous support from northern Democrats as well as Republicans. After the passage of the Arrears Act and related appropriations legislation, moreover, Democratic spokesmen competed with Republicans to claim credit. In the words of an Illinois Democratic representative, "This side of the House deserves commendation for the liberality and zeal with which it has supported legislation in the interest of soldiers engaged in all wars waged in behalf of our government, thereby refuting every accusation against the [D]emocratic party of want of regard for the interest of the soldier."[68]

With the passage of the Arrears legislation, veterans and survivors had new motives to apply for both monthly pensions and the hefty initial lump-sum payments. As a contemporary critic wrote, the "effect of this law was to stir up a multitude of people to apply for pensions who had never thought of the matter before. In one year 141,466 men who had not realized that they were disabled until the Government offered a premium of a thousand dollars or more for the discovery of aches and disabilities, made application."[69] "Before 1879, new claims had been filed at the rate of 1,600 a month; after the new act took effect, new claims rose to over 10,000 a month."[70]

Defeat for an Attempt to Centralize the Application Process

The avalanche of new applications stimulated by the Arrears Act was to be processed by a U.S. Pension Bureau that had few means at its disposal to detect fraudulent claims by pension applicants. Although the bureau was consistently staffed by old soldiers who were favorably disposed toward applicants, few contemporary observers doubted that the details of the application process were relatively honestly managed inside the agency itself. When pension claims arrived by mail in Washington, they were carefully filed and scrutinized for proper execution; then the Adjutant General's Office and the Surgeon General's Office of the War Department were asked to report from their records (which were "beyond change or alteration") all available data on a soldier's military service and wartime medical treatments.[71] Yet the processing of applications was also

[68] As quoted in ibid., 67.

[69] Eugene V. Smalley, "The United States Pension Office," *Century Magazine* 28 (new series, vol. 6 1884): 428.

[70] Robert McElroy, *Grover Cleveland: The Man and the Statesman* (New York: Harper and Brothers, 1923), 190.

[71] The quoted phrase is from "The Course of a Claim Through the Bureau" in *Report of the Secretary of the Interior for the Fiscal Year Ending June 30, 1891* (Washington, DC: Government Printing Office, 1891), 70. See also the accounts of the application process in Smalley, "The United States Pension Office," 430; the 15 December 1883 letter of instructions to local examining surgeons from the Pension Office—Medical Division, Department of the Interior (a pamphlet in the holdings of the Harvard College Library); and *A Treatise on the Practice of the Pension Bureau Governing the Adjudication of Army and Navy Pensions* (Washington, DC: Government Printing Office, 1898).

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dependent upon thousands of doctors scattered in communities across the North, along with local witnesses, notaries, and lawyers.[72] From the time of the war, pension applicants were allowed to testify for themselves or find their own witnesses in support of their applications; for example, neighbors might testify to a woman's marriage to a dead soldier and to her persistent widowed status and proper sexual conduct after his death. To certify the war-related disabilities on which pension awards to veterans depended before 1890, applicants also submitted affidavits obtained from local physicians. These doctors were situated far outside of Washington and perhaps enmeshed in the same social networks as the pension applicants they examined; they were not subject to any effective bureaucratic supervision by the bureau. As time passed after 1865, it became increasingly difficult for either the physicians or the central Pension Bureau officials to tell whether a wound or disease actually had originated in the war. Besides, without being able to cross-examine witnesses, Pension Bureau officials had to depend upon the honesty of supportive affidavits in the application. There were Special Examiners from the bureau detailed to look into certain applications, but these were only a minority of instances in which there were either special problems of documentation or glaring reasons to suspect irregularities.[73] 1879 Arrears Act itself repealed a previous rule that had limited the use of parole evidence (for example, the supportive testimony of kinspeople, neighbors, and former comrades-in-arms) rather than the records of the War and Navy Departments to settle long-pending claims. This "change opened the way for the renewal of many longstanding claims of doubtful character."[74]

More important, during the period when the Arrears Act was passed, Congress refused to enact a major proposal for reforming the administrative system by which pension applications were processed. This was the "Sixty Surgeon Pension Bill," embodying a plan that had been pressed for several years by J. A. Bentley, the commissioner of pensions from 1876 to June 1881. In place of the existing system that "permitted claims to be established upon affidavits prepared in secret by the claimants and their friends, and upon the certificate of the neighborhood physician,"[75] Commissioner Bentley proposed the following arrangement:

> The whole country was to be divided into pension districts of such a size . . . that one surgeon devoting his entire time to the duties assigned him could make all required medical examinations in that district. A highly qualified [and generously paid] surgeon was to be appointed for each district, and was to be placed under the direction of the Commissioner of Pensions. Also a competent clerk was to be sent to each pension

[72] Leonard D. White, *The Republican Era: 1869–1901. A Study in Administrative History* (New York: Macmillan, 1958), 211–14; and Smalley, "United States Pension Office."

[73] The mission and early procedures of this division of the Bureau can be glimpsed in *General Instructions to Special Examiners of the United States Pension Office* (Washington, DC: Government Printing Office, 1882).

[74] Glasson, *Federal Military Pensions*, 165.

[75] Oliver, "History of Civil War Military Pensions," 43–44.

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> district, to act in conjunction with the surgeon. The duty of the clerk was to take testimony in each case, review the evidence, and cross-examine the witnesses [in public hearings]. These two officials were to constitute a Commission on the part of the Government, before whom all pension applicants were to appear and submit whatever proof they desired in support of their claim. After obtaining all information relating to each claim, the case and its testimony was to be forwarded to the Pension Office for final settlement.[76]

Commissioner Bentley's remarkable proposal was in effect an effort to build up a stronger civil service organization able to conduct judicial-type proceedings, in order to control costs and promote regular standards in the granting of Civil War pensions. The example of France in the nineteenth century suggests that such an organization might have restricted the expansion of pensions. But Congress simply ignored Commissioner Bentley's plan, preferring instead to institute minor modifications in the existing system. During 1881 and 1882, it was stipulated that special pension examiners should hold hearings for those applications dependent upon parole evidence alone; and local boards of examining surgeons were substituted for affidavits from family physicians.[77] During the 1880s, the Pension Bureau in Washington was rehoused in a magnificent new building as it grew into what Commissioner of Pensions Green B. Raum called in 1891 "the largest executive bureau in the world"—with an office force of 2,009 persons "besides eighteen pension agents, with a clerical force of 419, and 3,795 examining surgeons stationed in various parts of the country."[78] Yet the application process remained rooted in local communities and regions. Applicants for pensions could apply credibly for more benefits than they might strictly deserve or even for pensions they had not earned at all—as long as they could obtain the collusion of friends and neighbors, who might themselves have an interest in a successful application and as long as they could secure the help of local doctors and lawyers, whose "natural disposition would be to favor the applicant. . . . There is little reason why they should feel called upon to protect the Government treasury."[79] The pension application system remained a classic example of a recurrent pattern in U.S. politics: a central agency linked with constituents and voluntary groups in thousands of local communities across America.

Pensions Become Fuel for Congressional and Party Patronage

The passage of the Arrears Act in 1879, accompanied by the failure in early 1881 of Bentley's Sixty Surgeon Pension Bill, transformed Civil War pensions from

[76] Ibid., 44–45.

[77] Ibid., 83–86.

[78] Green B. Raum, "Pensions and Patriotism," *North American Review* 153 (1891): 211. Raum was engaged in a bit of rhetorical exaggeration. See the description of the New South Wales (Australian) Department of Public Works, 12,000–15,000 strong as of the 1880s, in Desley Deacon, *Managing Gender* (Melbourne: Oxford University Press, 1989), 104.

[79] Smalley, "United States Pension Office," 430.

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relatively straightforward compensation for wartime disabilities into fuel for patronage politics. Pension patronage flourished both through Congress and through party controls over the leadership and nonroutine practices of the Pension Bureau. An ideal distributive policy is one in which benefits are given to many particular recipients, and politicians have some discretionary control over the timing and targeting of those benefits. Civil War pensions may not seem to fit this profile very well, if one assumes that conditions of eligibility were set by statutory law and potential recipients exercised all the discretion: once they applied, they would automatically get the benefits if their qualifications fell within the statute. In fact, the statutes quickly became so bewilderingly complex that there was much room for interpretation of cases. Interior Department officials and commissioners of pensions might apply more or less stringent interpretations of existing statutes; they might even invite whole classes of old cases to be reopened to allow more generous pension awards.[80] In addition, individual cases (or groups of cases) might be speeded up or slowed down in their passage through the Bureau of Pensions. As a result of the many reapplications and new applications stimulated by the Arrears Acts, a backlog of several hundred thousand claims piled up for processing, and such massive backlogs continued to hang over over the system into the 1890s. This situation allowed considerable space for the manipulation of the timing of case processing.[81]

If a given applicant did not feel that his or her case had been correctly processed by the Pension Bureau, or if he or she thought that things were moving too slowly or that existing statutes did not quite cover the special merits of the case, a petition to a congressional representative might result. In 1882, Representative Roswell G. Horr of Michigan observed: "I think it is safe to say that each member of this House receives fifty letters each week; many receive more. . . . One-quarter of them, perhaps, will be from soldiers asking aid in their pension cases, and each soldier is clear in his own mind that the member can help his case out if he will only make it a special case and give it special attention."[82]

Robert F. La Follette estimated in his autobiography that he spent from a quarter to a third of his time in Congress from 1885 to 1891 "examining testimony and untangling . . . records" for the "many old soldiers" in his district. Such help

[80] On reinterpretations across administrations, see *Decisions of the Department of the Interior in Cases Relating to Pension Claims and to the Laws of the United States Granting and Governing Pensions*, vol. 4, edited by George Baber of the Board of Pension Appeals (Washington, DC: Government Printing Office, 1891), iii. The editorial preface to this volume states that it is intended to highlight disagreements about legal interpretation with the previous administration of Democratic President Grover Cleveland, differences flowing "from a spirit of larger liberality exercised by the present administration [of Republican President Benjamin Harrison] in applying the pension system to those entitled to its benefits."

[81] Heywood T. Sanders, "Paying for the 'Bloody Shirt': The Politics of Civil War Pensions" in Barry S. Rundquist, ed., *Political Benefits* (Lexington, MA: Lexington Books, D.C. Heath, 1980), 146.

[82] White, *Republican Era*, 72.

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to a veteran from a congressman could be just as important to the recipient's welfare as help to an unemployed worker from an urban political boss. As La Follette explained: "I recall one interesting case. An old man, by the name of Joseph Wood, living in Madison [WI], very poor, had a claim pending for an injury received at Pittsburgh Landing. His case had been repeatedly rejected because the records of the War Department showed that his regiment had not arrived at Pittsburgh Landing until forty-eight hours after the claimant swore he had been injured." La Follette found that his captain and twenty-five other soldiers agreed with the claimant, and so did the memoirs of General Sherman. But the War Department would not question its records.

> I seemed up against it, when it flashed across my mind that the [War Department] document looked too new to be the original record. Upon inquiry, I found this was true. The old worn records had been stored away some years before. Some one was detailed to examine them, and sure enough, there had been a mistake in copying. General Sherman and my old soldier friend were right. Thirty-six hundred dollars back pension brought comfort to that old man and his wife.[83]

With a proliferation of cases such as these, the "volume of correspondence between the Pension Bureau and members of Congress was immense. In 1880 it was reported as amounting to nearly 40,000 written and personal inquiries; in 1888 it had more than doubled (94,000 items); and in 1891 it reached a peak of 154,817 congressional calls for information on the condition of cases, an average of over 500 for each working day."[84]

Usually the Pension Bureau was asked to reconsider or nudged to process cases more expeditiously. Yet when the bureau and the secretary of the interior ultimately ruled against applicants, Congressmen could sponsor "private pension bills" that added individuals to the pension rolls or—most often—increased benefits for existing pensioners. In the aggregate, private pension bills do not seem to have accounted in particular years for more than .5 percent to 2 percent of new pensioners or additional pension expenditures.[85] Nevertheless, Congress spent considerable time on them, and their numbers rose dramatically during the 1880s and again after 1900.[86] "In the 49th Congress [1885–1887], 40 percent of the legislation in the House and 55 percent in the Senate consisted of special pension acts. It was customary for Friday evening to be 'pension night' during congressional sessions."[87] "Passage of private pension bills was by general con-

[83] Robert M. La Follette, *La Follette's Autobiography: A Personal Narrative of Political Experiences*, foreward by Allan Nevins (Madison: University of Wisconsin Press, 1968; orig. 1911), 37–38. For other instances of particular congressional representatives who took pride in helping pension applicants, see Heck, *Civil War Veteran in Minnesota*, 185–90.

[84] White, *Republican Era*, 75.

[85] I base this conclusion on a memorandum prepared by Edwin Amenta, who used statistics available in the 1890, 1900, and 1910 Annual Reports of the Commissioners of Pensions.

[86] Glasson, *Federal Military Pensions*, 280.

[87] Morton Keller, *Affairs of State: Public Life in Late Nineteenth-Century America* (Cambridge, MA: Harvard University Press, 1977), 311.

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sent. Usually no quorum was present."[88] Eventually, congressional handling of private pension bills became fully routinized: pension committees in each house simply allocated members regular quotas of bills that they could put through without any real scrutiny.[89] When special pension bills were enacted at the highest rates in the early twentieth century, most raised the rates for individuals that congressional representatives found especially meritorious, even though these applicants' situations fell outside of existing statutes. Some special acts, however, actually changed the military records of former soldiers classified as deserters in order to make them eligible for pensions.

Pension patronage went beyond congressional interventions in individual cases. During the nineteenth century, when competitive patronage democracy was at its height, party-appointed leaders of the Pension Bureau exercised a certain amount of partisan discretion in the handling of categories of cases. In the words of the historian John Oliver,

> there is evidence that as early as 1880 the influence of the pension system was felt in the political affairs of the nation. According to the testimony of one of the special agents of the Bureau, Mr. Thomas P. Kane, it was quite a common practice for the Pension Office to concentrate its forces on those claims coming from doubtful states, just before the general elections. . . . [And a] table submitted by the chief of the Records and Accounts Division shows that during the three months of July, August, and September, 1880, the average number of pensions issued was 1,661; but in October, the month preceding the national election, there were 4,423 original claims allowed.[90]

Appointed in 1881 by Republican President James A. Garfield, Commissioner of Pensions Colonel W. W. Dudley proved to be a key innovator in the political use of the Pension Bureau. Not only did Dudley champion the rapid expansion of the Pension Bureau to facilitate the processing of claims, he also worked with the Grand Army of the Republic to draw up lists of potentially eligible veterans in each state. He made lists of veterans' addresses available to new applicants so that they could locate witnesses. Commissioner Dudley determined that as of 1882 over a million living Union veterans and almost 87,000 pensionable relatives had not yet applied for benefits; and he realized that two-fifths of existing pensioners, along with over half of the 300,000 claims then pending at the bureau, came from the electorally crucial states of Illinois, Indiana, New York, Ohio, and Pennsylvania.[91] Moving from investigation of the political potential of the pension system to practical applications, Commissioner Dudley directed Pension Bureau officials not to refuse claims until after the 1884 presidential election and

[88] White, *Republican Era*, 76.

[89] Glasson, *Federal Military Pensions*, 275–76.

[90] Oliver, "History of Civil War Military Pensions," 77, discussing the testimony of Pension Bureau officials before Congress, published in *House Committee Reports*, 46th Congress, 3rd sess., no. 387, 389.

[91] Oliver, "History of Civil War Military Pensions," 107. My account of Dudley's activities draws on ibid., 105–117, and Sanders, "Politics of Pensions," 146–50.

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told them to speed up the processing of applications from Ohio and Indiana, where the election was sure to be very close. In September 1884, moreover, Dudley went on a paid "leave of absence" from Washington, taking large numbers of pension examiners first into Ohio and then into Indiana. Prospective pensioners were sought out, urged to apply, and told to vote for the Republican ticket to ensure the rapid processing of their claims. Several Democrats later told congressional investigators that they voted Republican in the election out of fear for their pension applications![92]

Commissioner Dudley's efforts may have helped the Republicans to carry Ohio by 15,000 votes, but they failed by about 6,500 votes in Indiana.[93] The Democratic presidential candidate, Grover Cleveland, was elected, and Dudley had to resign his post. Nevertheless, Colonel Dudley's "performance was not lost on the Republican Party. [Thereafter] the party used its incumbency of the White House as a vehicle for boosting the outputs and generosity of the Pension Bureau. . . . If the Republicans were able to create an enduring alliance with the ex-soldiers and build a national political machine, it was largely because they were willing and able to employ the pension bureaucracy in a partisan fashion."[94] There were also reports of Democrats using the Pension Bureau to help old soldiers when they were in office and facing elections.[95] Nevertheless, Heywood Sanders presents rough evidence that the expansion of Pension Bureau budgets and personnel, and higher rates of approval for new pension claims, corresponded to years of Republican control of the executive branch between 1878 and 1899. "For the individual veteran," he concludes, "the choice was obvious. . . . Electoral support for Republican candidates promised a better pension, delivered more quickly."[96]

Party Differentiation and Republican Sponsorship of the Dependent Pension Act

The Democrats and the Republicans increasingly parted company on the issue of pension generosity after the early 1880s. To be sure, many northern Democrats in Congress continued to vote in favor of private bills and general pension legislation. But from the time of Grover Cleveland's presidency onward, the national Democratic party and Democratic presidents stressed controls on pension expenditures and the need to attack fraud in the system. Meanwhile, the Republicans waxed ever more eloquent in their advocacy of generosity to the Union veterans.

[92] Oliver, "History of Civil War Military Pensions," 111–12, citing *House Report*, 48th Congress, 2nd sess., vol. 3, no. 2683, 6–9.

[93] Oliver, "History of Civil War Military Pensions," 112, 117.

[94] Sanders, "Politics of Pensions," 150.

[95] According to Glasson, *Federal Military Pensions*, 224, President Cleveland's Commissioner of Pensions John C. Black attempted to use the bureau to aid the Democrats in 1888, especially in Indiana.

[96] Sanders, "Politics of Pensions," 147–50, quotation on 150.

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As the 1888 Republican platform put it, "The legislation of Congress should conform to the pledges made by a loyal people and be so enlarged and extended as to provide against the possibility that any man who honorably wore the Federal uniform shall be the inmate of an almshouse, or dependent upon private charity. In the presence of an overflowing treasury, it would be a public scandal to do less for those whose valorous service preserved the government."[97]

"In the presence of an overflowing treasury. . . ." This phrase signals an important reason for major party differentiation on the question of further pension liberalization. After the 1870s, the rapid growth of the industrializing U.S. economy brought plentiful revenues into the federal treasury. As we saw in Figures 2 and 3, tariff revenues accounted for between 30 percent and 58 percent of all federal revenues between the Civil War and World War I, and the decade of the 1880s was a time of huge surpluses in the federal budget. Even with efforts made to "retire the outstanding national debt as quickly as possible," nevertheless, in the words of Morton Keller, "the most pressing fiscal problem of the 1880s was the large revenue surplus generated by rising tariff receipts."[98] This rising surplus easily covered the unanticipated costs of the Arrears Act and left high-tariff advocates, mostly Republicans, looking for new ways to spend money; advocates of lower taxes and tariffs could argue that the revenues were no longer needed.

The Democrats under the leadership of Grover Cleveland championed the cause of reducing excess taxation and backed off from competing with the Republicans on generous pensions in order to save money. Protective tariffs, the Democrats argued, constituted hidden taxes on consumers and on most southern and western producers. According to the Democrats, protection should be reduced, and in general only such moderate customs duties should be retained as might be necessary to raise revenue for a frugal federal government.[99] To the consternation of many Democratic regulars, President Cleveland also took up the cause of civil service reform as a way to reduce costly patronage corruption and make federal administration more efficient. For the Republicans of this era, the federal government functioned as a prime source of patronage resources. Of course, the Democrats also had patronage needs, but their most important party machines were centered in states and in major urban centers. In any event, Cleveland was a reformer by personal conviction, and he received support from many formerly Republican Mugwumps.[100]

[97] Donald Bruce Johnson, *National Party Platforms. Volume I: 1840-1956*, rev. ed. (Urbana: University of Illinois Press, 1978), 82.

[98] Keller, *Affairs of State*, 381.

[99] See R. Hal Williams, "'Dry Bones and Dead Language': The Democratic Party" in H. Wayne Morgan, ed., *The Gilded Age*, rev. ed. (Syracuse, NY: Syracuse University Press, 1970). See also the Democratic party platforms of this period in Johnson, *National Party Platforms: Volume I*, 56–57 (1880), 65–68 (1884), and 76–78 (1888).

[100] See Allan Nevins, *Grover Cleveland: A Study in Courage* (New York: Dodd, Mead, 1944).

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Meanwhile, the Republicans understood themselves to be the party of those who had saved the nation and could best represent its postwar interest in a strong, growing economy.[101] The party benefited by the 1880s from an ideally complementary set of distributive policies, using some measures, such as protective tariffs and the expansion of federal services, to generate the money and jobs that could be distributed through other policies, including the pension system. By finding popular new uses for the surpluses piling up in the 1880s, the Republicans hoped to maintain the tariffs that helped them build coalitions across industries and localities. If a way could be found to spread Civil War pensions to still more people, that would be ideal. After the Arrears Act, many veterans and survivors had applied for pensions but could not prove that disabilities or deaths were directly connected to Civil War military service.[102] Additional pensions would flow overwhelmingly to the northeastern and midwestern states, where the Republicans were strong (and wanted to stay strong), including states where they found themselves in close competition with the Democrats.[103] Furthermore, pensions apparently would go disproportionately to townspeople and farmers, the sectors of the Republican coalition that did not benefit as directly from tariffs as many workers and businessmen did (or believed they did).[104]

Urged on by the Grand Army of the Republic and facing an electorate in which more than 10 percent of the potential voters were Union veterans, the Republicans moved toward reinforcing protective tariffs and fundamentally liberalizing the original Civil War pension law.[105] George Lemon's *National Tribune* and other Grand Army propagandists warned veterans across the North to beware of efforts at tariff reduction until all their needs were met. Initially, elements within the Grand Army and then in 1888 the national GAR itself endorsed calls for a new universal service pension that would simply make every Union veteran and all survivors eligible for monthly payments, regardless of disabilities or capacity for manual employment. Meanwhile, Democratic President Cleveland helped to galvanize the old soldier vote for the Republicans, because he became known as a determined enemy of pension liberality. Not only did Cleveland veto 228 bills (while allowing 1,871 to become law), he also rejected the Dependent Pension Bill of 1887, a forerunner of the measure that would pass in 1890.[106] Cleveland

[101] See Lewis Gould, "The Republican Search for a National Majority" in Morgan, ed., *The Gilded Age*, 171–87; and (a contemporary party statement) *The Republican Party: Its History, Principles, and Policies*, John D. Long, ed. (n.p., 1888).

[102] Glasson, *Federal Military Pensions*, 204–205.

[103] See Bensel, *Sectionalism and American Political Development*, 68, map 3.1, and 62–73.

[104] We do not have good data on the precise social characteristics of pensioners, but suggestive findings along these lines appear in Sanders, "Politics," 151–52.

[105] My account of the events leading up to the election of Harrison in 1888 draws upon Dearing, *Veterans in Politics*, 364–89; Glasson, *Federal Military Pensions*, 204–225; and Donald McMurry, "The Political Significance of the Pension Question, 1885–1897," *Mississippi Valley Historical Review* 9 (June 1922): 19–36. The 10 percent figure comes from McConnell, "Social History of the Grand Army of the Republic," 15.

[106] Glasson, *Federal Military Pensions*, 278; and McMurry, "Political Significance," 28–29.

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had earlier appeared to encourage such legislation, but he backed off when he saw what the costs might be and also because he claimed that the 1887 bill was vaguely worded.

For the 1888 election, the Republicans mobilized the Grand Army of the Republic, whose membership stood at 372,960 in 1888.[107] They made strong promises about liberalized pensions and protective tariffs.[108] And they nominated a soldier president, General Benjamin Harrison, who ran a campaign that linked tariffs to appeals to the veterans, as illustrated by a political song of the day:[109]

> Let Grover talk against the tariff tariff tariff
> And pensions too
> We'll give the workingman his due
> And pension the boys who wore the blue.

This combination worked for the Republican party in 1888. In an across-the-board victory widely attributed to the old soldiers' vote, the Republicans took both houses of Congress; they won the presidency by detaching Indiana and New York from the states that had gone for Cleveland in 1884. In Indiana, the Republican victory was by the extremely narrow margin of 2,300 votes, and Harrison was surely helped by the presence of many thousands of present and potential pensioners along with a successful Republican gubernatorial candidate who was the leader of a major pension lobbying group. In New York, the Republicans won by some 13,000 votes in a state where "there were 45,000 federal pensioners in 1888 and the movement of service-pensions for all the Civil War soldiers was particularly strong."[110] Without controlled statistical studies, we cannot really tell whether pension politics made the differences in these states in 1890, but we do have the necessary kind of evidence for Republican fortunes across eighty-eight Ohio counties in elections from 1892 to 1895. Heywood Sanders found that even when the veteran population was controlled for, the prior distribution of pensions up to 1890 significantly affected both turnouts and election results in favor of the Republicans.[111]

After the 1890 national election, Republican President Harrison put "Corporal" James Tanner, a legless Union veteran and a member of the GAR Pension Committee, in charge of the Pension Bureau, and he resubmitted liberalized pension legislation to the Congress. During the election, Tanner had by his own account "plastered Indiana with promises" of more generous pensions under the Republicans. "God help the surplus revenue!" the new commissioner declared, as he set about handing out new and readjusted pensions with gusto.[112] Indeed,

[107] The GAR membership figure comes from Heck, *Civil War Veteran in Minnesota*, app. A, 356.

[108] See the 1888 Republican platform in Johnson, *National Party Platforms: Volume I*, 79–83.

[109] Quoted from Dearing, *Veterans in Politics*, 382–83.

[110] Glasson, *Federal Military Pensions*, 225.

[111] Sanders, "Politics of Pensions," 150–54.

[112] Donald L. McMurry, "The Bureau of Pensions during the Administration of President Harrison," *Mississippi Valley Historical Review* 13 (December 1926): 343–64.

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Tanner was so heedless of regular procedures that he soon had to be replaced by a slightly more cautious close friend of the soldiers, Green B. Raum, himself a GAR official and Republican politician from Illinois.[113] Meanwhile, as the Pension Bureau forged ahead with granting pensions under loose interpretations of existing laws, the Republicans' Billion Dollar Congress enacted monetary reforms that helped knit together western and eastern Republicans, along with the Dependent Pension Act and the McKinley Tariff of 1890, which embodied the highest rates up to that point in U.S. history.

The Dependent Pension Act was a service-disability measure, which relaxed the previous requirement that veterans must show disabilities originating in injuries actually incurred during the Civil War. Henceforth, monthly pensions could, in the words of the act, be obtained by "all persons who served ninety days or more in the military or naval service of the United States during the late war of the Rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor. . . ."[114] With this watershed legislation, the door was opened for many new successful applicants—exactly what the Republican party wanted. Even the Grand Army's Pension Committee was pleased, declaring: "While not just what we asked, [the Dependent Pension Act] . . . is the most liberal pension measure ever passed by any legislative body in the world, and will place upon the rolls all of the survivors of the war whose conditions of health are not practically perfect."[115] This was prophetic.

Both the numbers of pensioners and overall expenditures on Civil War pensions leapt upward again after 1890 (see Figure 1 above). By 1893, there were 966,012 pensioners and the federal government was spending an astounding 41.5 percent of its income on benefits for them. This was the peak of expenditures, and, of course, natural attrition was pruning the ranks of actual and potential beneficiaries. But new veteran pensioners also continued to apply throughout the 1890s. As Table 1 documents, the percentage of Civil War veterans receiving benefits grew from 39 percent in 1891 to 74 percent in 1900. By 1915, 93 percent of Civil War veterans who were still living were signed up for federal benefits.

From the 1890s into the 1910s, the old-line Republicans continued to reap political rewards from the complementary interlock of high tariffs and generous pension expenditures. Yet the sudden expansion of pensions right after 1890, accompanied by all-too-evident excesses and corruption, helped Grover Cleveland be reelected president in 1892. The revenue situation also became tighter in

[113] William Barlow, "U.S. Commissioner of Pensions Green B. Raum of Illinois," *Journal of the Illinois State Historical Society* 60 (Autumn 1967): 297–313. For Raum's own point of view, see his "Pensions and Patriotism," *North American Review* 153 (1891): 205–14.

[114] Bureau of Pensions, *Laws of the United States Governing Pensions*, 38.

[115] Quoted in Glasson, *Federal Military Pensions*, 233.

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the 1890s. Thereafter, especially once the national Democratic party went into decline, pension issues became less salient in national party competition.[116]

Over time, Civil War pensions became more and more obviously old-age and survivors' benefits for the veterans. Administrative rulings making age alone a "disability for manual labor" commenced soon after the Dependent Pension Act, and were later confirmed by a 1906 law that declared simply "the age of sixty-two years and over shall be considered a permanent specific disability within the meaning of the pension laws."[117] Further innovations in general pension legislation—the most important of which occurred in 1907, 1908, and 1912—conferred general benefit increases on age and length-of-service categories of veteran pensioners and addressed the needs of widows and other dependent survivors. Even when the Republicans were completely in control, a degree of moderation prevailed; not every new idea for more generous pensions was put into effect. In a situation in which huge revenue surpluses were no longer present (see Figure 3), we may surmise that the Republicans felt the intense criticism directed against pension profligacy, not only by Democrats but also by Mugwumps and progressive reformers. Since pension eligiblity had already been extended to virtually all Union veterans, further legal changes could not reach out to new categories of voters.

Conclusion

Looking back over the entire expansion of the Civil War pension system, it seems apparent that the dynamics of party-run patronage democracy spurred that expansion. We saw that close competition between the Republicans and the Democrats in the late 1870s helped to bring about the passage of the Arrears Act, whose effects in turn fueled the emergence of the Republican old soldiers' machine. The major parties continued to be very closely competitive until the mid-1990s, and in this context it was especially advantageous for the Republicans to combine tariff protection with the increased distribution of pension benefits under the Dependent Pension Act.

To be sure, in any polity—and certainly in any democracy—there would have been pressures to provide for elderly and impoverished veterans toward the end of their lives. Such pressures in the 1830s and 1840s, for example, had led to modest and very belated benefits (more than fifty years after the war) for non-officer Revolutionary War veterans and their survivors. For Civil War veterans, however, this expectable movement toward universal-service coverage was speeded up and made much more generous. A military-disability system originally tailored to mobilize unprecedented masses of soldiers eventually became enmeshed in the intense competition of the distributively inclined parties that domi-

[116] McMurry, "Pension Question," 35–36.

[117] Bureau of Pensions, *Laws of the United States Governing Pensions*, 43.

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nated both legislation and administration in the United States from the mid-1870s to the mid-1890s. Thus Civil War pensions became one of a handful of major distributive policies that helped to fuel and sustain late nineteenth-century U.S. patronage democracy, especially to further Republican fortunes within it.

Histories of U.S. social provision have mostly failed to notice that the national government was a major welfare provider at the turn of the century—no doubt because the relevant expenditures were officially categorized as military costs. Yet as Isaac Max Rubinow declared in 1913, five years after the British launched national old-age pensions,

> when our [Amercan] pension roll numbers several thousand more names than that of Great Britain. . . . [and] when the cost of our pensions is . . . more than three times as great as that of the British pension system, . . . it is childish to consider the system of war pensions as a sentimental problem only, and to speak of the millions spent for war pensions as the cost of the "Civil War." We are clearly dealing here with an economic measure which aims to solve the problem of dependent old age and widowhood.[118]

Rubinow was right. Civil War pensions became one of the politically most successful social policies ever devised and sustained in the United States. Expanded very significantly right at the beginning of the country's modern national history—during an era that most historians claim was dominated by limited government and rugged individualism—these pensions signaled the potential for honorable, crossclass, and crossracial social provision to flourish in American democracy.[119] Civil War pensions at their height were America's first system of federal social security for the disabled and the elderly. This pioneering effort was not to be sustained beyond the lifetimes of the generation that fought to save the Union.[120] But, politically speaking, it was a harbinger of things to come in American democracy.

[118] I. M. Rubinow, *Social Insurance, with Special Reference to American Conditions* (New York: Arno Press, 1969; originally 1913), 404.

[119] For an analysis of the social incidence of Civil War benefits and a comparison to benefits offered by early European welfare states, see Skocpol, *Protecting Soldiers and Mothers*, 131–35. For a discussion of how Civil War pensions fit into patterns of more and less politically successful social policies in U.S. history, see Theda Skocpol, "Targeting within Universalism: Politically Viable Policies to Combat Poverty in the United States" in Christopher Jencks and Paul E. Peterson, eds., *The Urban Underclass* (Washington DC: Brookings Institution, 1991).

[120] Indeed, during the Progressive Era, Civil War pensions actually became a negative policy precedent for reformers, who were determined to overcome what they perceived as the "corrupt" party politics that had been associated with the original expansion of these benefits. Part II of Skocpol, *Protecting Soldiers and Mothers*, highlights the ways in which the prior expansion of Civil War pensions helped to obstruct the adoption of workingmen's social insurance and of more general pensions for the American elderly during the early twentieth century.

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The Right to Privacy in Canada

DOUGLAS CAMP CHAFFEY

Canada and the United States have shared important legal traditions, although these two neighbors have evolved from distinctive political cultures. The Canadian historian W. L. Morton succinctly captured the differences between the two cultures: "Not life, liberty, and the pursuit of happiness, but peace, order, and good government are what the national government of Canada guarantees."[1] On the other hand, the legal system of much of Canada and the United States derives from common law, a heritage that placed some value upon the protection of certain rights and liberties. For example, the right to live life and make decisions free of burdensome governmental restraint had its origins in the common-law tradition. The torts of trespass, eavesdropping, libel, and defamation of character ensured that some of these expectations of privacy would

[1] W. L. Morton, *The Canadian Identity*, 2nd ed. (Toronto: University of Toronto Press, 1972), 110. Canadian political culture has undergone a transformation in recent years. Events have caused Canadians to place greater value upon "life, liberty and the pursuit of happiness" in their expectations of government. See, for example, Ronald Manzer, *Canada: A Socio-Political Portrait* (Toronto: McGraw-Hill Ryerson, 1974). In this work, Manzer summarizes and discusses the results of numerous public opinion surveys and studies done in both countries. While the surveys indicate that the differences between United States and Canadian respondents were seldom statistically significant, nevertheless, Canadian attitudes toward civil liberty issues were often shifted in a slightly more conservative (more restrictive of civil liberties) direction than those of United States respondents. See especially his chap. 6. A much more recent survey of Canadian public and elite attitudes toward wiretapping indicates that the Canadian public has become highly sensitized to this aspect of personal liberty. See Joseph F. Fletcher, "Mass and Elite Attitudes About Wiretapping in Canada: Implications for Democratic Theory and Politics," *Public Opinion Quarterly* 53 (Summer 1989): 225-245.

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be protected. Indeed, common law and later statutory and constitutional developments in both the United States and Canada have reflected the principle that a man's home is his castle.

It became apparent at least as early as 1890 in the United States that these traditional legal protections of privacy had been outstripped by the willingness of newspapers to make public family events which should be considered the private business of the family.[2] The publication of the seminal article by Samuel Warren and Louis Brandeis, which called for the acknowledgment of a general tort for the invasion of privacy, has spawned in the United States the development of a broader right to privacy, which we see at work in hundreds of civil suits, in national and state legislative efforts, and in constitutional decisions by state and federal courts. More recently, Canadian legal scholars, jurists, and politicians have expressed concern over threats to privacy posed by the spread of electronic surveillance techniques and the uses and abuses of government data banks.[3] As a result, there has been movement in Canada toward the further protection of individual privacy and autonomy. The purpose of this article is to discuss certain aspects of the development of the right to privacy in Canada.

It is the thesis of this article that four major factors operating in the Canadian political-legal system largely account for the manner in which the governments of Canada have responded to privacy concerns. One factor of importance is the manner in which legislative powers are assigned to the national or provincial level. The Canadian Constitution (now known as the Constitution Act of 1982, but which incorporates the previous British North America Act of 1867), unlike its counterpart in the United States, distributes all powers rather explicitly between the national and provincial governments.[4] The criminal law power is given to the national government, and the provincial power to enact criminal penalties is residual in nature, exactly the reverse of the United States.[5] By custom and by federal statute, however, most criminal prosecutions in Canada are brought under the direction of the attorney-general of each province, rather than the federal Department of Justice.[6] Private or civil law, by contrast, is a provincial responsibility, as in the United States. Thus we can expect some variation in the

[2] Samuel Warren and Louis Brandeis, "The Right to Privacy," 4 *Harv. L. Rev.* 193 (1890).

[3] Ontario Commission on Freedom of Information and Individual Privacy, *Public Government for Private People: The Report of the Commission on Freedom of Information and Individual Privacy* (Toronto: Ministry of Supply and Services, 1980), pref. to vol. i. See also the reports of the Royal Commission Concerning Certain Activities of the Royal Canadian Mounted Police (the McDonald Commission), or that of the Royal Commission of Inquiry into the Confidentiality of Health Information (the Krever Commission).

[4] Constitution Act, Part IV, Sections 91–92 (1982).

[5] Constitution Act, Part VI, Section 91 (27) (1982).

[6] That this was not a constitutional matter but rather at the statutory sufferance of parliament was decided only in 1983; *Attorney General of Canada v. Canadian National Transportation, Ltd. et al.*; *Attorney General of Canada v. Canadian Pacific Transportation Co. Ltd. et al.*, 3 D.L.R. (Dominion Law Report) 3d. 16 (S. Ct. Can., 1983).

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enforcement of criminal statutes, which are common to all of Canada, and considerable variation in private law from province to province—especially so in Quebec, which derives its civil law from French codes.

A second factor of importance relates to the manner in which Canada has acknowledged and protected individual rights and liberties. In contrast to the United States, there were in Canada no constitutionally acknowledged rights or liberties until the advent of the Constitution Act of 1982, with its Charter of Rights and Freedoms.[7] Thus, while Canadians have seen themselves as possessing rights and liberties similar to those protected by the Bill of Rights, these were protected through statutory enactments, through the absence of statutory restrictions, or through judicial application of traditional common-law values in civil and criminal cases. Until the advent of the Charter of Rights and Freedoms, there had not been the dialogue in Canada over fundamental rights and freedoms, at least in the judicial system, that has gone on in the United States.

The third factor of importance relates to what has just been said. In contrast to the United States, the Canadian Constitution, as interpreted, gave courts little role to play in protecting the individual rights and liberties that are so important to Canadians. Until the Charter of Rights and Freedoms specifically conferred the power of judicial review of the rights and freedoms it contains, courts confined themselves at most to interpreting or "reading down" a statute so that it did not invade a right,[8] or to determining that a right which one level of government had restricted was unconstitutional because the Constitution contemplated that class of legislation as a power of the other level of government.[9] This passive role was in conformity with Canadian jurisprudence in general, since Canadian judges have been much influenced by the positivist traditions of English judicial decision making. This posture was partly a product of the fact that until 1931 in criminal cases and until 1950 in civil matters, Canadian decisions were appealable to the Judicial Committee of the Privy Council of Great Britain.[10] In this tradition, judges avoid the appearance of policy making, acknowledging law to be the function of the sovereign legislature and confining themselves to the apparent purposes and literal meaning of statutes and their application to the case before the court.

The final factor important for understanding Canada's response to privacy concerns is that Canadian governments are parliamentary in nature, with relatively stable and cohesive party control of the national or provincial governments

[7] Constitution Act, Schedule B, Part I, (1982).

[8] For example, the Manitoba Court of Appeal in *Regina v. P.*, 3 Crim. Rep. (n.s.) 302 (1968), to be discussed later.

[9] See *Saumer v. Quebec City*, 4 D.L.R. 641 (S. Ct. Can., 1953), in which the Supreme Court of Canada indirectly protected the right of a Jehovah's Witness to distribute literature on the ground that legislation relating to religion was a federal power.

[10] The criminal appeals were eliminated as the result of Imperial Conferences in 1926 and 1930. *Statute of Westminster*, 1931 (Imp.), c. 4. Civil appeals were eliminated by act of the Canadian Parliament in the Supreme Court Act Amendment of 1949 (Can. 2nd. sess.), c. 37.

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over long periods of time. A Canadian government is capable of pushing very comprehensive and even controversial legislation through parliament or a provincial legislature as long as the majority coheres publicly. In the United States, on the other hand, legislators are more vulnerable to public pressure or hostility in a system where there may not be a party in control of the whole government, much less a cohesive party in any legislative chamber.

Commission reports and scholarly literature in Canada and the United States generally see threats to an expectation of personal privacy and autonomy in one or more of the following situations. First, informational: information about us or our likeness is published or shown by the mass media or shared within governmental or private agencies without our permission; second, territorial: unauthorized intrusion is made into our person, our dwellings, or what we expect to be private to disrupt our tranquillity, record our conversations, or to search or seize either ourselves or our possessions; third, decisional-sexual: our intimate associations with others in private or our decisions about our own families or our own bodies are restricted or prohibited.[11] Claims have been made in both countries that the right to privacy has been violated in one or more of these situations. The remainder of this article will explore in part the response which Canadian legislatures and courts have made in these three areas, omitting in the interest of brevity the efforts made by governments in Canada to protect individual privacy in the use and distribution of government records.

Informational Privacy

Since the publication of the Warren and Brandeis article, a right to sue for invasion of privacy has been acknowledged by the majority of American state courts, either by judicial use of common-law powers or by statute.[12] There is no comparable judicially created tort for invasion of privacy in the nine provinces in Canada in which common law is utilized. Where the right to sue for invasion of privacy has come about in the common-law provinces, it has been through legislative enactment. A statutory tort for invasion of privacy now exists in four provinces: British Columbia adopted the first such statute in 1968, and since

[11] I am using here the general categories explored in the Report of the Ontario Commission on Freedom of Information and Individual Privacy in the work cited in Warren and Brandeis, "Right to Privacy." Most commentators in both countries, however, would acknowledge that these three situations constitute the major privacy concerns, whether or not they see the claim justified in some particular. See, for example, Comment: "A Taxonomy of Privacy: Repose, Sanctuary, and Intimate Decision," 64 *Calif. L. Rev.* 1447 (1976).

[12] The legislatures of Utah, New York, Virginia, and Wisconsin adopted statutes to permit tort actions after courts in these states refused to acknowledge the right. Leon Yankwich, "The Right to Privacy: Its Development, Scope, and Limitations," 27 *Notre Dame Law.* 499, 505 (1952).

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then similar statutes have been enacted in Manitoba, Saskatchewan, and Newfoundland.[13] "It is of interest," John McCamus states

> that the provincial privacy tort statutes seem to do nothing more than briefly reiterate the basic principles of the American case law. The courts are given no statutory guidance as to how to apply these vague general principles to typical factual patterns. In short, the matter is legislatively remitted to the common-law method.[14]

Only in Quebec is invasion of privacy actionable in court by virtue of judicial creation. This is partly due to the fact that Quebec, true to its civil law roots, has not developed multiple, independent torts as in the common-law provinces. Rather, the Quebec Civil Code, Section 1053, provides a single Right of Civil Responsibility: "Every person capable of discerning right from wrong is responsible for the damage caused by his fault to another, whether by positive act, imprudence, or want of skill."

The effect of Section 1053 is that "if fault or negligence causes any type of damage, there can be civil liability. Furthermore, even when there is no evidence of material damage, the civil law allows compensation for purely moral prejudice."[15] Thus, in 1957, it was quite logical for a Quebec court to award damages to a Montreal doctor in a pure invasion of privacy situation.[16] The doctor had written a letter to the producer of a television program which criticized its content, and the letter was read over the air at his dare. Subsequently, his address and telephone number were given to the viewing audience, and his phone began ringing. He was awarded $3,000 for invasion of his privacy. "The two prerequisites for the application of the right of civil liability existed," Pierre Patenaude concluded, "a fault and a prejudice caused by this fault."[17]

Considering that the common-law tradition in general has been prized for its ability to adapt to new problems, many Canadian scholars have puzzled over the failure of Canadian courts to innovate in the law of torts, especially in recognizing the tort for the invasion of privacy. In fact, there is no common-law tort of privacy in any commonwealth nation.[18] Canadian courts have continued to adhere to the precedents established in the commonwealth since the right to appeal to the Judicial Committee of the Privy Council was abolished in 1950 in Canada. The reluctance to acknowledge the need for the new tort, according to a knowledgeable student of Canadian law, is part of a broader pattern of judicial behavior in

[13] John D. McCamus, "The Protection of Privacy: The Judicial Role" (Paper prepared for delivery at the 1984 Privacy Conference, Osgoode Hall Law Faculty of York University, Downsview, Ontario), 10.

[14] Ibid., 23

[15] Pierre Patenaude, "The Evolution of the Right to Privacy in Quebec," 6 *U. Man. L. J.* 283, 284 (1975).

[16] *Robbins v. Canadian Broadcasting Corporation*, 12 D.L.R. 2d. 35 (Que. Prov. Ct., 1957).

[17] Patenaude, "Evolution of the Right to Privacy in Quebec."

[18] Peter Burns, *Privacy and the Common Law: A Tangled Skein Unravelling, Aspects of Privacy Law: Essays in Honour of John M. Sharp* (Toronto: Butterworths, 1980), 220.

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nations where sovereignty is lodged in the parliament. "Judges in a parliamentary system," according to this observer, "often display little creativity. They do not play a legislative role, unlike American judges, who are conscious of doing so, sometimes proud to do so."[19] H. J. Glasbeek echoed this conclusion when he said that "our courts are traditionally more conservative in their approach to law [than are United States courts]. They will, in general, apply the law as it exists even if this means that community expectations are defeated."[20]

Territorial Privacy

The right to privacy finds its oldest legal expression in the protections developed within the common law to protect the dwelling place and life within it from undue interference from the surrounding environment. However, the dwelling unit or any other space individuals expect to be private may also be the loci of criminal acts or the repositories of the fruits and instruments of crime. Because of the importance attached to private property and dwelling places, the common law required that nonconsensual searches and seizures by law enforcement officials within private dwellings be done only after a warrant was secured from a neutral magistrate.

The colonial North American legal systems reflected this heritage, but by 1776 the British by statute had authorized numerous exceptions to the general common-law requirement.[21] The use by British customs officials of general writs of assistance was one of the important irritants that led to the American Revolution. The writ of assistance authorized its bearers to conduct searches of private dwellings on a continuing basis, and the writs were valid during the life of the monarch authorizing the writ. One of the purposes of the Fourth Amendment to the United States Constitution was to ensure that the common-law procedure for search and seizure would be required in federal law enforcement. However, illegally seized evidence was in common law admissible at trial, and this practice continued in the United States at the federal and state levels and in Canada after confederation until constitutional developments overtook the common-law and statutory heritage in both countries. The only recourse for the individual subject to illegal search and seizure in his or her premises was to sue the offending official or to attempt a legal remedy of recovery of goods seized.

In its initial 1892 Criminal Code, Canada institutionalized the general common-law requirements for searches and seizures in criminal cases, while at the same time it continued the use of writs of assistance for specified federal administrative or criminal investigations. The search and seizure requirements are contained in section 443 of the current Criminal Code (Can. Rev. Stat., 1970), and

[19] Author's interview with Andrew Petter, Osgoode Hall Law Faculty, 2 April 1985.

[20] H. J. Glasbeek, "Outraged Dignity—Do We Need a New Tort?" 6 *Alta. L. Rev.* 77, 90 (1968).

[21] Law Reform Commission of Canada, *Working Paper 30*, "Police Powers—Search and Seizure in Criminal Law Enforcement" (Ottawa: Ministry of Supply and Services, 1983), 45–53.

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the use of writs of assistance was authorized until 1985 by four statutes: the Customs Act, the Excise Act, the Narcotics Act, and the Food and Drugs Act.[22] An act repealing the use of writs of assistance was adopted by parliament in 1985 (Criminal Law Amendment Act, 1985). Canadian investigating officers will be able instead to obtain telewarrants through phone conversations with magistrates, a procedure which in itself causes concern among legal scholars in Canada. While section 443 thus constitutes the generally-adhered-to rule for searches and seizures in criminal investigations in Canada, parliament has by statute created exceptions to this general procedure for the investigation of certain offenses. Any of these procedures, not to mention the writ of assistance (which was retained by the authorized official as long as he or she were in an investigative capacity within the agency), provided less protection of privacy than is provided by section 443. The Law Reform Commission of Canada has estimated that the Criminal Code contains eighteen different search procedures requiring some type of warrant and eighty-two different warrantless search procedures.[23] One student of search and seizure requirements in Canada has calculated that at the provincial level there are 1,359 different provincial or municipal statutes allowing entry into private dwellings, only 196 of which are based on anything other than the discretion of a law enforcement or administrative official.[24] Since the common-law rule that illegally seized evidence may be admitted into a trial if relevant continued to be applied prior to 1982 in Canadian criminal prosecutions, the incentive to adhere to such statutory requirements in criminal investigations has not been present, and adherence appears to have been widely at variance from one province to another.[25]

As in the case of searches and seizures that invade privacy interests, Canadian response to electronic surveillance and wiretapping has been statutory in nature. As the various forms of communication developed within Canada, such statutes as the Radio Act, the Telegraph Act, or the Ontario or Quebec Telephone Acts all contained provisions prohibiting the divulging of private communications except when lawfully authorized. However, the procedures by which telephone taps could be authorized were not spelled out in the legislation.[26] While prosecutions for private violations of such acts have occurred in Canada,[27] the use of electronic surveillance and phone taps without any prior judicial authorization by provincial police (in Ontario and Quebec) and by the Royal Canadian Mounted Police (RCMP) elsewhere had become so widespread by 1969 that the then Justice Minister John Turner could report that:

[22] Law Reform Commission of Canada, *Working Paper 19*, "Writs of Assistance and Telewarrants" (1983), 14.

[23] Law Reform Commission of Canada, *Working Paper 30*, chap. 2.

[24] Glen Luther, "Searches and Seizures under the Charter," Queen's University Law Faculty, 1985.

[25] Law Reform Commission of Canada, *Working Paper 30*, 83–86.

[26] David Cornfield, "The Right to Privacy in Canada," 25 *U. Toronto Fac. L. Rev.* 103, note 26, 113.

[27] See, for example, *Chapman v. George*, 20 Crim. Rep. (n.s.) 141 (Ont. Ct. App., 1973).

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> Our telephones can be tapped, our office bugged, our files photographed, our physical movements monitored, and our communications recorded, all without our knowing anything about it or having any right of recourse of any protection under the law. . . . The struggle for freedom is being mortgaged to the parabolic microphone.[28]

Legislation to control such surveillance by officials was introduced in parliament several times, beginning in 1964.[29] Finally, the public revelation of widespread and unauthorized use of such surveillance by the RCMP in investigating separatist movements in Quebec and the unraveling of Watergate in the United States led to the passage of the 1974 Protection of Privacy Act under the impetus of Turner's personal concern and efforts. This act created offenses

> relating to the interception of private communications, the disclosure of private communications and the possession of any device primarily useful for the surreptitious interception of private communications and established rules governing the admissibility of evidence thereby obtained.[30]

This act also made the Crown liable to civil suit in the event of an unlawful interception by a government servant. The act further authorized the interception or seizure of such conversations in investigations involving subversive activities or national security matters. Finally, the act authorized the intercept of private communications based on judicial warrant in criminal investigations generally and directed the exclusion of conversations seized in violation of the act from trials against accused individuals. This latter provision was the first major exception in Canada to the common-law rule allowing the admission of illegally seized evidence into trial. While it seems that the Canadian approach to electronic eavesdropping now closely parallels that in the United States, the Protection of Privacy Act can be said to have encouraged the use of wiretapping and electronic surveillance in Canada. The *Toronto Globe and Mail* reported on 30 December 1978 that Canadian police are seven times more likely to use wiretaps and electronic surveillance in criminal investigations than are police in the twenty-four American states where wiretaps or bugging are allowed by court order.

The Charter of Rights and Freedoms, in effect for the most part since 17 April 1982 (the equality provisions were effective 17 April 1985) has already dramatically shifted the Canadian approach to searches and seizures affecting privacy interests. The provisions of the charter responsible for this shift are as follows:

> 1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
>
> 8. Everyone has the right to be secure against unreasonable search or seizure.

[28] John Turner, 52 Proceedings of the Canadian Bar Association, 263 (1969).
[29] Cornfield, "Right to Privacy," 118.
[30] Can. Rev. Stat., sections 178.11–178.16 (1974).

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> 24(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.
>
> 52(1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

The charter also provides in Section 33 that parliament or a provincial legislature may "expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision" included in certain of the charter rights, including the section in which protections of defendant rights occur (sections 7 to 15). Section 33 also provides that such a declaration ceases to have effect after five years and must then be reenacted (Section 33(3), (4), and (5)). Quebec, angered over the repatriation of the Constitution Act without its consent, immediately opted out of the optable sections of the charter. No other province has taken such action nor has parliament, and it already seems likely that the charter has shifted significant power to the Canadian judiciary, which may in these days of close and cynical media scrutiny be irretrievable despite the residual notion of parliamentary sovereignty which the charter acknowledges.

This new Canadian judicial power has already been forcefully applied to statutes regulating searches, to the admission of illegally seized evidence, and to writs of assistance. In a decision described as "epoch-making,"[31] the Supreme Court of Canada in *Hunter v. Southam, Inc.*[32] unanimously struck down a provision of the federal Combines Investigation Act on the ground that it conflicted with Section 8 of the charter. Subsections 10(1) and (3) of the act permitted officers of the federal Restrictive Trade Practices Commission, on receipt of an authorizing certificate from a member of the Commission, to

> enter any premises on which the Director believes there may be evidence relative to the matters being inquired into and may examine anything on the premises and may copy or take away for further examination or copying, any book, paper, record or other document that in the opinion of the Director . . . may afford such evidence.[33]

Armed with such a certificate, authorized officials attempted to enter and examine documents on the premises of the *Edmonton Journal*, a division of Southam, Inc., and Southam objected in court on the basis of Section 8 of the charter. The Alberta Court of Appeal unanimously held sections 10(1) and (3) of the Combines Investigations Act in violation of the charter, and the Supreme Court of Canada upheld this decision. Like the lower appeals court, Chief Justice Brian Dickson, writing for the court, held that absent exceptional circumstances, the procedural safeguards of the common law reflected in section 443 of the

[31] Glen Luther and Don Stuart, "Annotation," 41 Crim. Rep. (3d) 98 (1984).
[32] 9 Crim. Rts. Rptr. 355 (1984), note 35.
[33] Ibid.

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Criminal Code, constituted the minimal requirements for a "reasonable search and seizure" under Section 8 of the charter.[34] Dickson relied to some extent upon interpretation of the Fourth Amendment to the United States Constitution, and quoted Justice Stewart in *Katz v. United States*, particularly as to the importance of the Fourth Amendment in protecting the expectation of privacy.[35] Based on *Hunter*, lower Canadian courts have declared unconstitutional search and seizure provisions of the Theatres Act of Ontario,[36] a similar provision in the federal Income Tax Act,[37] a search provision of the Criminal Code relative to "disorderly houses,"[38] and the use of writs of assistance under the federal Narcotics Control Act and the Food and Drugs Act.[39]

Decisional-Sexual Privacy

As we might expect, the most controversial of the claims to privacy and autonomy is the claim that in the interest of recognizing the needs of individuals for sexual intimacy, bodily autonomy, and decision making, government must refrain from or withdraw from the regulation or prohibition of certain individual activities that arguably cause no harm to others outside of the individual activity. The range of decisional or sexual acts in private that has been restricted or proscribed by the Canadian parliament parallels the historical development of such legislation in the American states since 1867. This is certainly true of legislation prohibiting a range of sexual acts[40] and of legislation prohibiting or restricting access to abortion.[41] There could be no doubt before 1982 that parliament had the power to prohibit or restrict such activity as it saw fit; therefore, the only issues at stake in prosecutions for the commission of prohibited sexual acts were whether the act had been committed and whether it was in fact proscribed by law. This does not necessarily mean that Canadian courts could not take privacy interests into consideration. Perhaps the best known case in which courts did come down on the side of sexual privacy is *Regina v. P.*, 1968.[42] On entering a private home in Winnipeg to deliver a liquor search warrant, police officers found a woman, semiclothed, performing fellatio upon a man who later proved to be her common-

[34] 9 Crim. Rts. Rptr., 367.

[35] Ibid., 366.

[36] *Nightengale Galleries, Ltd. v. Director of Theatres Branch*, 12 Crim. Rts. Rptr. 168 (Ont. Co. Ct., 1984).

[37] *Minister of National Revenue v. Kruger*, 12 Crim. Rts. Rptr. 45 (Fed. C. A., 1984).

[38] *Re Regina and Vella*, 12 Crim. Rts. Rptr. 292 (Ont. High Ct., 1984).

[39] *Regina v. Noble*, 12 Crim. Rts. Rptr. 138 (Ont. Ct. App., 1984).

[40] A. K. Gigeroff, "The Evolution of Canadian Legislation with Respect to Homosexuality, Pedophilia, and Exhibitionism" [1965], *Crim. L. Q.*, 445.

[41] The evolution of abortion legislation was extensively discussed in the 1968-1969 House of Commons debates on the Criminal Code Amendment Act, Bill C-150. See *Journals, House of Commons, Twenty-Eighth Parliament, First Session, 1968-69.*

[42] *Regina v. P.*, 3 Crim. Rep. (n.s.) 302 (Man. Ct. App., 1968).

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law husband. Both participants were charged with committing an act of gross indecency contrary to section 149 of the Criminal Code (Can. Rev. Stat., 1952). Only the husband was tried, and his acquittal was appealed by the Crown. Justice Brian Dickson, then a member of the Manitoba Court of Appeal, upheld the acquittal for the majority of the court. He based his decision on his view that:

> it would require words much plainer than appear in section 149 to persuade me that Parliament suddenly decided to enter the portals of the home and to require courts to sit in judgment upon what passes in private between consenting adult spouses or persons living together, whether married or not, or for that matter, upon any heterosexual act . . . done in private between consenting adults.[43]

The publicity which surrounded a Supreme Court of Canada decision upholding the conviction of Everett George Klippert in 1967, on the other hand, led swiftly to fundamental changes in the Canadian laws relating to sexual acts in private.[44] Klippert had been arrested by the RCMP at Pine Point, Northwest Territories, as the result of an arson investigation. While he was not involved in the arson, he did admit to involvement in private sexual acts with four named adult males. He pled guilty to four counts of gross indecency under section 149 of the Criminal Code. Following his conviction and sentence to three years' imprisonment, the Crown attorney applied under section 661 of the Criminal Code to have Klippert declared a dangerous sexual offender. At the hearing, two psychiatrists who had examined Klippert testified that he was a homosexual and would probably continue such practices. It was also revealed that he had served a four-year sentence for eighteen similar offenses in Alberta. He was committed to preventive detention, to be served in prison until "cured." The conviction and application of the "dangerous sexual offender" statute to Klippert were upheld on appeal to the Supreme Court of Canada on 7 November 1967. Justice Fauteux for the majority ruled that section 661 did by its wording apply to any person who, like Klippert, was unable to control sexual impulses.[45] In a spirited dissent, Justice Cartwright argued that the purpose of the "dangerous sexual offender" provision was to "protect persons from becoming the victims of those whose failure to control their sexual impulses renders them a source of danger."[46] To place Klippert in this category would not fit the intent of the statute. In concluding, Cartwright added:

> It is not wholesome that the existing criminal law should not be enforced. A law which ought not to be enforced should be repealed. If the law on this subject-matter is as interpreted by the Courts below, it means that every man in Canada who indulges in sexual misconduct of the sort forbidden by section 149 of the *Criminal Code* with another consenting male and who appears likely, if at liberty, to continue such miscon-

[43] 3 Crim. Rep. (n.s.), 318.
[44] *Klippert v. The Queen*, 65 D.L.R. 698 (1967).
[45] Ibid., 708.
[46] Ibid., 705.

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duct should be sentenced to preventive detention, that is, to incarceration for life. However loathsome conduct of the sort mentioned may appear to all normal persons, I think it improbable that Parliament should have intended such a result.[47]

The danger inherent in the majority decision was widely publicized in the Canadian press the following day, and the member of parliament for the Northwest Territories argued that Canada should follow the 1967 example of Great Britain and repeal the statute prohibiting such activities.[48] In response to inquiries in the House of Commons, Prime Minister Lester Pearson committed his government to a study of the issue in connection with other major revisions of the Criminal Code under study at the time. On the same day, the Justice Minister, Pierre-Elliot Trudeau, suggested that amendments to the Criminal Code to repeal the offensive laws might be included in the package of proposed amendments to be introduced by the government. The *Klippert* decision even provoked a rare editorial critical of a Supreme Court decision. As the *Toronto Globe and Mail* saw it, "It is strange to the point of being unbelievable that conduct in Britain which would not even bring a criminal charge can, in Canada, send a man to prison for life. Yet this is the effect of a majority ruling this week of the Supreme Court of Canada."[49] When, on 21 December 1967, the Criminal Code Amendment Act was introduced in the House of Commons, it provided for exclusion of sexual acts in private between consenting adults. In a press interview, Trudeau stated that the government had decided to remove such acts as offenses because "there is no place for the state in the bedrooms of the nation."[50]

The 1967 Criminal Code Amendment Act "died on the table" before consideration in the spring of 1968. After Prime Minister Pearson announced his resignation, Trudeau was chosen as his successor, and elections were called for on 25 June. Trudeau had made the revisions to the Criminal Code an issue in the campaign; and, not necessarily because of this, the Liberals were returned to office with an increased majority. The amendments were reintroduced in the House of Commons on 20 December 1968, and debate on the amendments consumed a good deal of parliament's time from early January of 1969 into the spring. However, more controversy swirled around proposed exceptions to the statutes prohibiting abortions than to those repealing the prohibitions of sexual acts. The Liberal majority held firm, at least publicly, and on 14 May the Criminal Code Amendment Act was passed in the House of Commons, with a single Liberal defection; it received the Royal assent on 27 June. Media attention to the debate had been eclipsed in the process by Canadian concern over antiwar demonstrations in the United States; other than some letters on the abortion issue that members of parliament reported they had received, there is little evidence in

[47] Ibid., 706.
[48] See, for example, the *Regina Leader-Press,* 8 November 1967.
[49] *Saturday Night*, 11 November 1967, 6.
[50] *Regina Leader-Press*, 22 December 1967.

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the newspapers of the period or in committee or floor deliberations of a public groundswell of support or opposition to the more controversial portions of the act. Its passage decriminalized sexual acts in private between consenting adults across Canada and demonstrated the power of the Canadian parliamentary system and of a committed and popular prime minister in changing public policy rapidly in the interest of recognizing the importance of privacy.[51]

When the proposed Charter of Rights and Freedoms was being considered by the Special Joint Committee of the Senate and House of Commons on the Constitution of Canada in 1980–1981, the desirability of adding a constitutional right to privacy was suggested in testimony before the committee by a representative of the Canadian Bar Association.[52] The idea was supported in other testimony before the committee, and Progressive Conservatives on the committee introduced an amendment to include among the fundamental freedoms protected by Section 2 of the Charter a subsection(e): "freedom from unreasonable interference with privacy, family, home, correspondence, and enjoyment of property."[53] The Liberal majority on the committee resisted the amendment. One member of parliament argued that "the notion is too vague and has not yet been clearly defined. It is not quite matured and we will have to wait a few years for legislatures and Parliament to work and legislate on this right, since it is a new legal concept."[54] Federal Minister of Justice Jean Cretien added that legislation dealing with the right of citizen access to government records was then before the parliament and was posing a number of problems for the federal bureaucracy. He stressed that the government felt that the search and seizure provisions of Section 8 of the charter would protect important privacy interests.[55] In the end, the proposal was rejected by the committee on a party-line vote, with Progressive Conservatives and New Democrats in favor of its passage. A knowledgeable observer of the charter process has suggested that many of the Liberal members feared that an acknowledgment of such a right would lead to a *Roe v. Wade* in Canada and points out that by 1981 the Liberal membership of the House of Commons was almost entirely from Ontario and Quebec, where Catholic concerns are very important.[56]

Ironically, a *Roe v. Wade* is precisely what occurred in Canada, and judicial interpretation of Section 7 of the charter was particularly important: "7. Everyone has the right to life, liberty, and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

[51] The material for this paragraph was gathered from the debates in parliament and from newspaper accounts of those debates.

[52] Testimony of J. P. Nelligan, chairman, Special Committee on the Constitution of Canada, Canadian Bar Association, *Proceedings of the Special Joint Committee of the Senate and House of Commons on the Constitution of Canada*, 15:9.

[53] Ibid., 43:55.

[54] Ibid., 46:64.

[55] Ibid., 46:67.

[56] Author's interview with John McCamus, dean, Osgoode Hall Law Faculty, 2 April 1985.

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Section 7 was immediately the subject of speculation as to whether it was intended to be a rather narrow insurance that common-law procedures would be adhered to in legal disputes, or whether it might be substantive in nature, protecting a range of liberty or personal security against government interference, a range which had yet to be determined.[57] Senior civil servants of the Department of Justice in their testimony before the Special Joint Committee of the Senate and House of Commons indicated that the "principles of fundamental justice" of Section 7

> would cover the same thing as what is called procedural due process in relation to requiring fair procedure. However, it in our view does not cover the concept of what is called substantive due process, which would impose substantive requirements as to policy of the law in question.[58]

In its unanimous decision in *Motor Vehicle Act Reference*, the Supreme Court of Canada has opted for a broader meaning of the rights that Section 7 may protect.[59] Section 94(2) of the British Columbia Motor Vehicle Act had provided that persons driving motor vehicles while prohibited from driving or whose licenses had been suspended were guilty of an absolute liability offense carrying a mandatory seven days' imprisonment. In a carefully crafted opinion, Justice Antonio Lamer found that the elimination of a mens rea requirement, plus the mandatory imprisonment, would clearly deprive some number of morally innocent persons of their liberty. Such a mens rea requirement, at least as applied to natural persons, must, he held, be considered a principle of fundamental justice. In words reminiscent of John Marshall, Lamer went on to emphasize the limited utility and the potential dangers of judicial reliance upon testimony or debate upon the charter before its adoption:

> In so doing, the rights, freedoms and values embodied in the Charter become frozen in time to the moment of adoption with little or no possibility of growth, development and adjustment to changing societal needs. . . . If the newly-planted "living tree" which is the Charter is to have the possibility of growth and adjustment over time, care must be taken to ensure that historical materials, such as the Minutes of Proceedings and Evidence of the Special Joint Committee, do not stunt its growth.[60]

The willingness of Canadian courts to give Section 7 an expansive interpretation in the interest of the decisional privacy we have considered in this section came in the form of a challenge to the abortion statute of Canada (sec. 251, Can. Rev. Stat. 1970), which is much like the Georgia statute struck down by the United States Supreme Court in *Doe v. Bolton*, in that it permitted abortions

[57] See the excellent article by John D. Whyte, "Fundamental Justice: The Scope and Application of Section 7 of the Charter," 13 *U. Man. L. J.* 455 (1983).

[58] Barry Strayer, assistant deputy minister, cited by Justice Antonio Lamer in *Reference Re Section 94(2) of Motor Vehicle Act, R.S.B.C. 1979. c. 288*, 48 Crim. Rep. (3d) 289, 310–311 (1986).

[59] 48 Crim. Rep. (3d) 289 (1986).

[60] 48 Crim. Rep. (3d), 314.

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only when the life or health of the woman was imperiled and only in a licensed hospital after review and approval by a committee of three physicians.[61] Dr. Henry Morgentaler, the Canadian personification of the abortion controversy in the United States, had been prosecuted three times in Quebec and more recently in Ontario for performing abortions in his private clinics; each time juries found him not guilty, despite the fact that he did in fact operate outside of the requirements of the act. In attempting to prevent the Ontario prosecution, Morgentaler's attorney raised a host of procedural, statutory, and charter objections to Morgentaler's prosecution, including the claim that the right of women to decide to abort was part of the liberty protected by Section 7 of the Charter.[62] The Ontario High Court of Justice agreed with Morgentaler's attorney that Section 7 permits "substantive review of a wide variety of laws that purport to infringe or breach the privacy of the individual."[63] However, applying the approach used by the United States Supreme Court in such cases as *Roe v. Wade* (that is, that a liberty to be recognized, if not protected by positive law, must be "so rooted in the traditions and conscience of our people as to be ranked as fundamental"), the court concluded that as abortion had always been proscribed by law, it could not be said to be a fundamental value in Canadian society. The Section 7 claim was therefore dismissed.[64]

On 28 January 1988, the Supreme Court of Canada reversed the ruling of the Ontario Court of Appeal and declared the federal abortion statute unconstitutional, by a vote of five to two.[65] The majority was somewhat divided in its approach to the controversial issue, but the concurring opinions by Justices Jean Beetz and Bertha Wilson did agree with the opinion for the court written by Chief Justice Brian Dickson that the abortion statute constituted a breach of security of the person, guaranteed by Section 7 of the charter. In his opinion, Dickson stressed the many obstacles that the statute placed in the path of a woman in terminating a pregnancy. Nor were these restrictions, the majority opinions argued, compatible with the principles of fundamental justice, as the court had come to understand and apply these principles.

In the summer of 1988, the Mulroney government sought a sense-of-the House motion to the effect that access to abortion be made relatively easy in the first trimester of pregnancy, but more difficult in the second and third trimesters. "The motion was defeated as were two amendments—one favoring abortion on demand, the other advocating that it be illegal except when the pregnancy endangered the mother's life."[66] In the spring of 1990, the government introduced

[61] *Doe v. Bolton*, 410 U.S. 179 (1973).

[62] *Regina v. Morgentaler, Smoling and Scott*, 47 Ont. Rep. (2d) 353 (Ont. High Ct., 1984), affirmed on other grounds, Ont. Ct. App., 11 Crim, Rts. Rptr. 116 (1984).

[63] 47 Ont. Rep. (2d), 394-5.

[64] Ibid., 408.

[65] *R. v. Morgantaler*, 62 C. R. (3d) 1, (1988).

[66] *Maclean's*, 17 July 1989, 36.

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Bill C-43, which would have recriminalized the act of inducing abortion "unless the abortion is induced by or under the direction of a medical practitioner who is of the opinion that, if the abortion were not induced, the health or life of the female person would be likely to be threatened."[67] After a lengthy and impassioned debate, Bill C-43 passed the House of Commons on 29 May 1990. However, the law was defeated by the Canadian Senate in a tie vote on 31 January 1991, part of an ongoing struggle between the Mulroney government and the then Liberal party majority in the Senate.[68] No further bills have been introduced. The result may be that the provinces can now decide how and when abortions can be performed.

Conclusion

We have surveyed a wide territory in exploring the response of the courts and legislatures of Canada to claims advanced on behalf of the right to privacy and autonomy. In Canada, the advancement of the legal protection of privacy interests has been until recently dominated by parliamentary and legislative decisions expressed in statutory form, with courts playing a passive and sometimes resisting role in acknowledging or advancing such rights. The absence of constitutionally recognized limitations upon the sovereignty of the legislative processes in Canada and the adherence by the courts to a positivist approach to jurisprudence contributed in their own right to the passivity of the courts. On the other hand, the assignment of criminal law powers to parliament, the low level of interest group or public pressure on this particular issue, and the personal commitment of the Trudeau government in Ottawa to privacy concerns enabled swift legislative response in a manner very difficult for American state legislators.

The actions by the Trudeau government, considered in connection with the increasing demand for the protection of privacy by Canadian officials and scholars, are indicative of an underlying general shift in Canadian political culture toward a greater insistence upon the protection of rights. This shift is best seen in the process leading up to the adoption of the Charter of Rights and Freedoms. The coming into force of the Charter of Rights and Freedoms has now given Canadian courts an important role to play in deciding whether to advance privacy interests; and recent decisions demonstrate that the current Supreme Court is willing to act forcefully to limit statutory infringement of important privacy interests. In doing so, the Canadian judiciary has had the benefit of the experience of United States courts in this area. However, it is evident that Canadian courts have not been constrained by the conservative drift of judicial opinion in the United States.

[67] 34th Parliament, 2nd sess., Elizabeth II, 1989–1990, 38–39.
[68] *Maclean's*, 18 February 1991, 15.

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Strategic Bargaining in Brazil's Debt Negotiations

HOWARD P. LEHMAN

Brazil's relations with its international creditors reached a low point by 1986 with the implementation of a heterodox economic program, the Cruzado Plan. Their relations dropped even further with the declaration of a moratorium on interest payments in February 1987. Both Brazil and international creditors had drawn clear and confrontational lines against each other. Yet, on 22 June 1988, the Brazilian government reached a major debt rescheduling agreement with an international bank advisory group representing the hundreds of commercial banks with outstanding loans to the country. The agreement resulted from a lengthy series of negotiations during which the two sides pressed each other for concessions using their respective power capabilities. They both brought specific power resources into the negotiations in an attempt to constrain the choice selection of the other. The strategic power of banks derives from the maintenance of an international bank regime as defined by its international operations, short-term time perspective, and commercial features. Since all international banks share these influential features, Brazil negotiated not with a few individual banks, but with a community of banks strengthened by their collective action. Brazil also based its bargaining strategy on its own power resources. It used the size of its debt, its moratorium policy, and its important economic relationship with the United States as leverage against the banking community. While both parties initiated the negotiations with conflicting strategies, during the

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course of bargaining they slowly recognized the commonality of their interests. Although at first each presented mutually unacceptable proposals, in time both, having learned from previously failed negotiations, offered what has been called a second-best alternative to that of continual conflict.

This particular rescheduling agreement stands apart from previous accords, because the outcome represented a positive-sum game in which both parties received some recognized benefit and because the process reflected interdependent decision making in which their decisions simultaneously imposed constraints and provided new choices. This article suggests that Brazil's rescheduling negotiations can best be understood by the use of a modified model of strategic interaction, which analyzes the constraints and choices available to the actors. More importantly, this case represents a new and innovative agreement reached from competing power-based strategies in which banks and Brazil had to adjust their tactical policy moves toward each other and to create new rules of rescheduling.

The article is divided into three sections. The first presents a strategic interaction model and discusses its application to rescheduling negotiations. A modified version, which treats game theory as metaphor, is argued to hold greater explanatory power than a rigid game theoretic approach.[1] In the second section, the banks' power-based strategy is discussed as a reflection of three fundamental dimensions of the international banking regime: international focus, short-term time perspective, and commercial profitability of banking. The article suggests that during the last ten years of the debt crisis, the specific rules that inform and shape international banking have changed dramatically to reflect these dimensions. The third section focuses on one of the most critical changes in the strategic interaction between those actors: the fact that the policy of conditionality, while remaining an influential component of International Monetary Fund (IMF) austerity programs, has evolved into a position of leverage as banks seek to distribute the cost and risk of lending and adjustment to debtors. Banks formulate conditions in order to distribute the financial risk of lending away from themselves and toward the borrowers, and to protect themselves from the costs of the adjustment programs carried out by the borrowers. Debtors, in turn, seek to offset the effects of conditionality by bringing to bear on banks their own power resources. The end result, as the case study on Brazil's rescheduling negotiations in 1987 and 1988 demonstrates, reflects the level of learning by the players and their capacity to adjust to changing economic conditions and bargaining rules.

A Modified Model of Strategic Interaction

Bargaining and strategic interaction both refer to the process when "two or more purposive actors arrive at specific outcomes in situations which: 1) the choices

[1] Duncan Snidal, "The Game *Theory* of International Politics" in Kenneth A. Oye, ed., *Cooperation Under Anarchy* (Princeton, NJ: Princeton University Press, 1986), 29.

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of the actors will determine the allocation of some value(s); 2) the outcome for each participant is a function of the behavior of the other(s); and 3) the outcome is achieved through negotiations between or among the players."[2] Several important implications for this study are packed within this definition, making modifications necessary. Game theoretic models often assume that the actors have a known range of options from which to choose a policy and that they have an equal opportunity to make that decision. The pitfall of this perspective is the nature of power relations between actors. The ability to create new options, to make choices, and to constrain the choice selection of other actors relies on the relative power of these actors. Any analysis of decision making must be sensitive to the range of constraints impeding choice selection. Robert O. Keohane writes that "voluntary choice does not imply equality of situation; in explaining outcomes, prior constraints may be more important than the process of choice itself."[3] As Keohane further argues, choice is made within a particular constraining structure.[4] The next section of this article presents the structure of international banking, which must be understood prior to the specific steps in bargaining. Under most conditions and circumstances, international bankers consider bargaining moves in light of the fundamental, structural dimensions that define and constrain their operations.

A second modification to a game theoretic model is the relaxation of the rationality assumption. In many theories of bargaining, emphasis is centered on the assumption of individual rationality as each negotiator tries to maximize his own utility. This assumption is most valid when the actors are placed in isolated and separate situations. Perfect information is available to these actors under this condition, since they only need to rely on themselves. Moreover, each actor is able to assign individual values to set preferences based on that information. These assumptions need to be relaxed as individual decision making is considered as the outcome of interdependent interaction with two or more actors. Thomas Schelling and others have pointed out this distinction in the usage of the "mixed-motive" game. The term implies "the ambivalence of [the actor's] relation to the other player—the mixture of mutual dependence and conflict, of partnership and competition."[5] By depending on the expected choice of an opponent, the other actor will obtain less than perfect information about the opponent and thus be constrained from selecting the optimal solution that will maximize his utility. Players in a strategic interaction relationship thus are unlikely to know a number

[2] Oran R. Young, "Strategic Interaction and Bargaining" in Oran R. Young, ed., *Bargaining: Formal Theories of Negotiation* (Urbana: University of Illinois Press, 1975), 5.

[3] Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 1984), 72.

[4] Ibid., 72.

[5] Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960/1980), 89. More recent important works include Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984); and Robert Axelrod and Robert Keohane, "Achieving Cooperation Under Anarchy" in Oye, ed., *Cooperation Under Anarchy*.

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of critical points in evaluating options and in making their decision. Conditions of mutual dependence distort the range of alternative options available to the other actor, the other's preference ordering, and the probability distributions affecting the other's choice. Application of the strategic interaction model must specify the interests and expectations of the actors within the particular context in which interaction occurs.

A third important modification is the introduction of a learning process to strategic interaction. By relying on the definition of bargaining in which individual choices are made in an interdependent relationship, decision making should be construed as a dynamic and iterative process. Players present proposals and "bargaining moves" in their attempt to take advantage of the opponent's own moves.[6] Unlike other game theory assumptions, which emphasize fixed utilities and pay-off matrices, the strategic interaction model reflects moves and countermoves altering the players' utilities and preferences. Learning derives from repeated exposure to the tactical policy moves of the opponent and, more specifically, how those moves affect the actor's own moves and power capabilities. Since bargaining by definition requires a mutual willingness to negotiate, bargaining provides a continuous opportunity for the players to learn about each other and to react in a way to strengthen their own positions. Thus, each side is pursuing its interests yet is constrained by the interests and tactics pursued by the other. A related implication for this study is the inability of either actor to achieve the optimal outcome from bargaining. In this model of "constraint-choice," the best result any player may obtain is the second best outcome.[7]

An appropriate application of this modified model of strategic interaction is the analysis of the rescheduling negotiations between international commercial banks and Brazilian authorities in 1987 and 1988. Several scholars already have argued that strategic interaction can be applied effectively to the rescheduling process.[8] First, analysis of the negotiations should be sensitive to the power-based strategies the players follow. Recent experience shows the power of bankers to cut the flow of capital to Brazil and the power of Brazil to suspend the repayment of its loans. Brazil has used its economic importance in hemispheric trading and its strategic role as a major debtor to its bargaining advantage.

Second, the bargaining positions of the players have become more distinct. Brazil, as the largest debtor nation in the Third World, has documented its

[6] Schelling, *The Strategy of Conflict*, 101.

[7] Keohane, *After Hegemony*, chap. 5.

[8] Charles Lipson, "Bankers' Dilemmas: Private Cooperation in Rescheduling Sovereign Debts" in Oye, ed., *Cooperation Under Anarchy*; Benjamin J. Cohen, "LDC Debt: Is There an Unexploited Opportunity for Joint Gain?" (Conference paper prepared for the annual meeting of the American Political Science Association, 1988); Vinod K. Aggarwal, *International Debt Threat: Bargaining Among Creditors and Debtors in the 1980s* (Berkeley, CA: Institute of International Studies, 1987), Policy Papers in International Affairs, #29; Howard P. Lehman and Jennifer L. McCoy, "The Dynamics of the Two-Level Bargaining Game: The 1988 Brazilian Debt Negotiations," *World Politics* 44 (July 1992).

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objectives and policy expectations. Brazil's critical link in the debt crisis and the far-reaching implications of credit disrupture have forced banks to develop well defined and widely known bargaining policies.[9] Recent indications suggest that an increasing number of banks perceive the IMF as no longer adequately serving their interests in a prolonged period of uncertainty. As the debt crisis expands, lending institutions slowly are drifting away from an uncritical acceptance of IMF policy and are beginning to promote their own policies of conditionality through an international banking regime.[10]

Third, both sides have revealed their mutual willingness to negotiate; they have agreed that rescheduling can meet some of their common objectives, yet they also have agreed to disagree over other defined areas. Rescheduling is considered a clear example of a mixed-motive game, since as each side seeks benefits from the manipulation of and constraints on the behavior of the other, neither side for very long will follow a strict conflictual strategy. Indeed, over a period of time both players recognize the constraints imposed on their choice selection and both seek to adjust to these changing conditions. The analysis should focus on this iterative and learning behavior the players have revealed over the two-year period with near-continuous moves and countermoves.[11] Finally, a negotiator for a lead bank wrote that this rescheduling package is innovative and important for the future in debt management.[12] These negotiations are one of the first important substantive examples of the recent phase of the debt crisis. Power-based negotiating strategies constraining the behavior of these players will take on increased importance as other major Latin American debtors reschedule in the near future. What makes this agreement so interesting is that it sets an important precedence for the next series of rescheduling negotiations.

Dimensions of International Banking

International banking operates from assumptions that differ from investment practices of foreign companies or from the stringent lending criteria of the Inter-

[9] Personal interviews and in-house documents outline the bargaining tactics and strategies followed by the two sides. Between 1984 and 1989, nearly 100 personal interviews were conducted with international bankers, economists, Brazilian embassy officials, IMF and World Bank officials, and government officials in the United States and London. During the course of this research, many of these respondents provided confidential documents pertaining to the issues of bargaining positions for the rescheduling negotiations.

[10] The activities of Middle Eastern and German banks in the late 1980s indicated the divergent interests within the international creditor regime by their willingness to ignore IMF announcements and to resume new lending to financially troubled countries. See "Debt Does Us Part," *The Economist*, 3 October 1987, 85.

[11] The dynamic and iterative qualities of bargaining in international politics have been interpreted by Snidal as the "mutual adjustment among states through time" (Snidal, "The Game *Theory* of International Politics," 48).

[12] William R. Rhodes, "An Insider's Reflection on the Brazilian Debt Package," *Wall Street Journal*, 14 October 1988.

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national Monetary Fund.[13] Investment capital usually involves long-term, physical development of projects in which company profits are generated over a lengthy period of time. IMF lending does not operate as a profit-generating practice but seeks instead to correct perceived economic imbalances. In contrast, to be most profitable, bank capital ideally should be part of an unending process of lending, borrowing, and repayment. At the base of bank capital growth is the accumulation of interest derived from a sustained flow of lending over the short term. The most profitable undertaking of international banks is to lend in order to increase borrowing, which leads to more lending. Lending, under certain conditions and circumstances, can evolve into a self-perpetuating force. But in 1982, when Mexico defaulted on its interest payments we witnessed the unravelling of this cycle of lending, borrowing, and repayment as international banks became conscious of their high level of exposure. Their initial response was to retreat immediately from international lending. Yet, more recent indications suggest that banks acknowledge the underlying premises behind sustained profitability and their policies reflect this understanding.[14] Banks have introduced a number of innovative conditions attached to new lending that are intended to achieve the two objectives of growth of bank assets and maintenance of the quality of those assets.[15] Thus, since the late 1980s, the international banking regime has demonstrated renewed strength and resiliency.

International Dimension

The success of international banking in the 1970s was based on the creation and maintenance of expansive operations with an unimpeded flow of capital throughout the system. This raised several concerns for individual banks. Banks sought to contain any ripples of instability by diversifying and expanding their operations into other geographic regions or economic sectors. An international bank may face a financial crisis in one region, but under contrasting conditions another geographic region may provide a better return on its investment. One early important attempt was the formation of the Eurocurrency market assisted by international banks, nonbank financial institutions, and industrialized states.[16] In order to be truly international, this market incorporates relatively

[13] Jeffrey Frieden, "Third World Indebted Industrialization: International Finance and State Capitalism in Mexico, Brazil, Algeria, and South Korea," *International Organization* 35 (Summer 1981); Stephany Griffith-Jones and Ennio Rodriguez, "Private International Finance and Industrialization of LDCs," *Journal of Development Studies* 21 (October 1984).

[14] According to this perspective, the renewed lending by international banks so shortly after the financial collapse in Mexico, Poland, and several African nations was foreseen and anticipated. Bank capital is not in a position to stand on the sidelines until debtor countries improve their economic situation.

[15] H. A. Holley, *Developing Country Debt: The Role of the Commercial Banks* (London: Routledge and Kegan Paul, 1987), 43.

[16] A formal definition of this market is that it exists whenever a national currency is deposited in a bank outside of its country of origin.

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few regulations that interfere with lending and borrowing. Banks experience a relative degree of freedom from control in the Eurocurrency market, which does not subject them to any legal minimum reserve requirements nor other constraints from domestic monetary policies of the type they face in national credit and capital markets.[17] The Eurocurrency market not only includes few capital movement regulations but also operates outside any system of effective political control.[18]

The deregulation of the national banking sector in many industrialized states acted as a further incentive to expand the Euromarket and international lending in general. As the American banking system became deregulated in the late 1970s, many national and regional banks gained entrance into the formerly closed area of international banking, which in turn generated increased competition. The elimination of Regulation Q, which removed the ceilings on interest rates banks paid to depositors, compelled banks to seek riskier borrowers or to cut profit margins under the force of unregulated competition. Given the context of the lending environment in the 1970s, one should not be surprised by the near doubling every four years of the Eurocurrency market from a low of $65 billion in 1970 to about $1400 billion in 1984. The Bank for International Settlements reported a tremendous growth in net international lending from $90 billion in 1978 to $165 billion in 1981. But the roof caved in immediately after Mexico's moratorium in 1982. By 1983, net lending had fallen by half to only $85 billion. However, the most important and telling feature of net lending in the 1980s was the rebound effect even during the so-called dark years of the debt crisis. Net lending after 1983 grew at a rapid rate to reach $160 billion in 1986—that is, the figure almost reached the pre-1982 level of net lending.[19] International banking remains an expansive force and continues to channel its resources into a global network of operation.

Short-Term Dimension

A second critical dimension of international banking is the short-term nature of bank capital. The importance of a time perspective derives from the notion of money itself. As a liquid asset, money can be transformed easily into credit and later be transformed back into an exchange used for immediate payment. The more often this transaction can be performed, the greater will be the return for banks. Short-term loans can be recycled each time generating fees, commissions, and high interest rates for the lenders.

[17] John Loxley, *Debt and Disorder: External Financing for Development* (Boulder, CO: Westview Press, 1986), 67; Holley, *Developing Country Debt*, 6.

[18] E. A. Brett, *The World Economy Since the War: The Politics of Uneven Development* (New York: Praeger, 1985).

[19] Bank for International Settlements, *Fifty-Seventh Annual Report* (Basel, Switzerland: BIS, 1987), 94.

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International banking in the 1970s had evolved into a highly competitive business in which credit became a product to be marketed. Under this marketing imperative, bankers were responsive to quarterly reports and annual stockholder meetings. Banks in competition with other banks often ignored indications of limits on the repayment capacity of borrowers, since their main sources of short-term income were the fees and commissions accrued by loan transactions. Robert Devlin charged that "while the credit flows may be in excess of absorptive capacity and serve to overheat the economy, banks, prone to the short-term myopia of a competitive market, are often oblivious to early signs of deterioration in the economic situation."[20] When banks did realize the extent of this failed policy, they immediately restricted credit flows, thus adding to the debtors' economic crisis.

The narrow, short-term horizon of banks at first emphasized extensive lending and today stresses immediate interest repayment. The former was revealed in the mismatch between short-term loans and investment in long-term projects. Since banks were willing to extend loans that were not tied directly to productive investments, debtors often invested in projects that would provide at best a favorable return only many years in the future. Banks at this point were relatively unconcerned. Banks could generate increased profits by circulating a greater volume of capital if that capital had a predominately short maturity. The maturity structure of loans in developing countries considerably shortened between 1975 and 1977 and again to a lesser extent in the early 1980s.[21] Each time that countries became unable to repay on schedule, many of them had to reenter the capital market for refinancing or rescheduling, which transferred more fees and commissions to the banks. Another important feature of bank capital was the shift in the 1970s from fixed to floating interest rates. Banks protected their exposure position by linking foreign borrowing to the increased cost levied by rising interest rates. Since most debtors had borrowed in dollars, an increase in interest rates meant a renewed and largely unsuccessful attempt toward export orientation. The daily fluctuations of rates also sent waves of instability through the debtors' capacity to manage their foreign debt. This policy strengthened the bargaining position of banks by passing a large share of the adjustment burden of fluctuating rates on to debtors.

The debt crises in Latin America during the early 1980s provoked the lenders to reassess their time horizon. As a result of their large exposure in certain

[20] Robert Devlin, "Private Banks, Debt, and the Bargaining Power of the Periphery: Theory and Practice" in Economic Commission for Latin America (ECLA), *Debt, Adjustment, and Renegotiation in Latin America: Orthodox and Alternative Approaches* (Boulder, CO: Lynne Reinner, 1986), 20.

[21] Average maturities for Third World borrowers in years, 1972–1984 are 1972–1974: 7.8 years; 1975–1977: 5.9 years; 1978–1980: 8.7 years; 1981–1984: 7.1 years. Source: Bank of England, various unpublished documents, 1985.

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countries, international banks began to protect themselves with "quality" short-term loans. "This meant," according to a Bank of England official, "that their financial resources would not be utilized unless their capital ratios would be correct and a good and reasonable profit could be made."[22] Such practices include money market transactions, letters of credit, interbank deposits, and trade finance, the largest form of short-term bank credit. These short-term credits are considered to be quality loans since they are safe, usually guaranteed by an export agency in the creditors' home country, and offer immediate returns. Banks are assured of repayment, since trade finance loans are self-liquidating – that is, they are contingent upon export revenue.

The time dimension of international lending currently is critical in rescheduling negotiations as banks repeatedly have shown greater concern for some level of immediate interest repayment than for the long-term implications of adjustment and austerity on a debtor's development strategy. Some observers have pointed to the long-term economic risks for countries affected by this policy. John Loxley suggests that "a strategy of heavy reliance on bank debts means, therefore, that policies and projects are chosen with a view to ensuring a strong debt-servicing capacity. These may well supersede or detract from other equally, or even more, desireable national objectives," such as meeting basic needs.[23] Another analyst has written that "by thinking only of their short-term interest the creditors may be jeopardizing their prospects of collecting in the longer term and of having a healthy trading partner in the south."[24]

Commercial Dimension

A third feature of international banking is derived from its private, commercial base. By this, I imply that banks are profit-making institutions whose investments require immediate commercial rates of return. Bank officials, shareholders, and industrialized states providing support for the banks share a concern for a fundamental objective of international banking: strengthening the rate of return on loans. While this particular dimension of international banking may not appear as surprising, it has significant implications for the banks' power-based strategy. For the majority of banks in the 1970s, the profit dynamic obscured the dangerous risks involved in extending short-term loans for long-term development projects. Banks misused their creditworthiness standards in order to increase their lending activity at the same time when debtor nations ignored this basic structural objective of banks. Banks sought during this period to rid themselves of excess capital by pressing loans on developing states. A Bank of England official commented

[22] Bank of England economist, November 1984.

[23] Loxley, *Debt and Disorder*, 76.

[24] Ricardo Ffrench-Davis, "External Debt, Adjustment, and Development in Latin America" in Richard E. Feinberg and Ricardo Ffrench-Davis, eds., *Development and External Debt in Latin America* (Notre Dame, IN: University of Notre Dame Press, 1988), 45.

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in an interview that, pressured by the supply of petrodollars, banks sought outlets without regard to a borrower's credit rating. He argued that "expansion was the fundamental objective."[25]

By 1982, major international banks finally realized the widespread implications of the enormous and imbalanced foreign debt. Influenced by their profit motive and, specifically, the protection of the value of bank assets, banks sought innovative institutional safeguards to achieve two objectives: reduction of their exposure in the form of nonperforming loans in problem countries and creation of layers of protection of remaining and/or new money in developing nations. While the profitability of new loans in the past was considerable, since borrowers paid stiff premiums, banks became "exposure conscious" the longer they held onto the loans without scheduled repayment. American banks' exposure in non-oil developing countries as a percentage of their capital reached 150 percent in 1982. That figure fell to 54 percent in 1988.[26] They have succeeded in lowering their exposure in developing countries by setting aside large amounts of their assets to cover bad loans in the form of provisions and by diversifying their lending portfolio to incorporate private-sector clients. Both moves sought to counter any decrease in the book value of loans, to strengthen the balance sheet, and to satisfy supervisory authorities and stockholders. Led by Citicorp's announcement in May 1987 that it was increasing its loan-loss reserves by $3 billion to a total of $5 billion, the banking industry immediately followed suit with widespread provisioning. By increasing loan-loss provisions and lowering their exposure, international banks have succeeded in reestablishing some control over the profit margins of their operations. Banks as an international regime are emerging from this latest phase in the debt crisis with a powerful base from which to bargain with the debtors. Most Third World debtors are not in an equal position to lay aside capital as a means to strengthen their economic base to enhance their bargaining leverage.

Even as banks were making new provisions against outstanding loans, many were lending new money as a component of IMF and World Bank programs. Banks, as businesses in a competitive market, can afford neither being left out of any new profit-making endeavors nor being left behind as other banks reduce their exposure levels. Banks grudgingly provide new loans in the hope that they can improve the quality and restore the profitability of old loans. Banks have at their disposal and under their authority several forms of protection against the threat of an interest moratorium. A common practice in loan agreements is the inclusion of cross-default clauses. If a government defaults on a loan against a single creditor, the borrower is forced into automatic default on nearly all its loans. In one policy move, a nation's credit structure and credit lines face imminent collapse. This is an important though rarely implemented measure of collec-

[25] Bank of England economist, November 1984.

[26] Seamus O'Cleireacain, *Third World Debt and International Public Policy* (New York: Praeger, 1990), 6.

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tive security against a defiant debtor. A more frequently used procedure requires the debtor government to maintain a specific level of deposits with its international creditors. As a form of insurance against nonrepayment or poor faith debt renegotiations, banks are in a position to impound a country's assets.[27] These and other measures have evolved into a set of explicit and implicit policies of conditionality. In the recent past, international banks came to rely on IMF agreements to ensure repayment. Yet, for banks the "worst position" is to have a country obtain an IMF package, then obtain the total amount of new money from banks, and then be unable to satisfy the IMF and unable to manage the new debt.[28] Bank conditionality is the banks' protection against the expanding uncertainties through the various stages of the debt crisis.

Given these three dimensions of international banking that forge a lending regime, a general and common strategy for banks as they enter into rescheduling negotiations is based on these objectives: first, in the *long-term*, banks anticipate the restoration of a profitable and stable lending environment. Most bankers consider rescheduling negotiations as a necessary stage in the resumption of lending and the legitimization of the rules of the game governing international lending. Second, an *intermediate* objective is the protection of the value of the remaining loans so as neither to impair the debtor's ability to repay nor to damage the bank's portfolio. Since many international banks, especially American ones, are regulated by national authorities, any consistent weakening of bank assets will draw fire from these powerful supervisory agencies, which then further could harm the reputation of the banks in the eyes of the investors and stockholders. Third, in the *short-term*, there is no alternative objective to immediate repayment of the interest. Fees, commissions, and interest provide the quarterly revenue to satisfy stockholders.

Banks seek to channel their leverage and resources into a power-based strategy to establish and sustain the underlying conditions of these objectives.[29] Banks have been able to strengthen their positions by remaining flexible in the selection of their tactics. As the debt crisis worsened and the threat of moratorium and default became concrete, banks opted to change the rules of lending and repayment. The 1985 Baker Plan and the 1989 Brady Plan were two American-sponsored attempts to forge new rules mutually benefiting lenders and borrowers. The Baker Plan was one of the first major attempts to reestablish lending by calling for a renewed bank commitment. Measures included the provision of $20 billion by commercial banks to the fifteen most heavily indebted countries, a

[27] William Darity, Jr. and Bobbie L. Horn, *The Loan Pushers: The Role of Commercial Banks in the International Debt Crisis* (Cambridge, MA: Ballinger, 1988), 94.

[28] David F. Lomax, *The Developing Country Debt Crisis* (New York: St. Martin's Press, 1986), 160.

[29] Lee A. Tavis, "A Strategic Time for Change" in Lee A. Tavis, ed., *Rekindling Development: Multinational Firms and World Debt* (Notre Dame, IN: University of Notre Dame Press, 1988), 349.

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significant increase in World Bank disbursements, and "comprehensive macroeconomic and structural reforms" following IMF austerity conditions by the recipient nations.[30] The Baker Plan was a half-hearted institutional attempt at forcing international banks to increase their exposure to those countries that adjusted their fiscal and monetary policies. Since many bankers thought the Baker Plan too rigid and against their specific interests, they argued for a wider and more flexible range of choices. The so-called menu approach, presented in the Brady Plan, was created to respond to specific bank interests during rescheduling negotiations. The menu included a range of options from which banks would choose depending on their level of commitment and exposure to the debtor and the relative costs of either remaining or exiting from the negotiations. Specific options include higher fees paid to banks who are early participants in renewed lending, debt equity conversions that allow a form of repayment to banks, co-financing schemes with the World Bank, and exit bonds that facilitate smaller banks leaving the negotiations.[31] The menu of options provides a new incentive structure for banks to shift away from a defensive posture to one based on renewed participating in lending. Provisioning at first suggested banks' recognition of their weak position, but now it illustrates the flexible capacity to strengthen their position against the debtors. Banks will be better able to survive any short-term disruption of repayment and thus increasingly capable of placing consistent pressure on debtors during negotiations.

A new twist to rescheduling talks is the involvement of regulatory agencies. Through a form of collective action, these agencies recently have implemented rules about the quality of assets in loan portfolios, especially loans on which interest has fallen into arrears. To counter the harmful effects on bank shares of nonperforming loans (as identified by the regulatory agencies), banks on occasion have shown flexibility to comply with the demands of these agencies. The important role of the American supervisory authority will be discussed in the case study of Brazil's rescheduling negotiations. Finally, although some industrialized governments and official lenders have called for debt relief, international banks repeatedly have denounced these efforts. Most bankers would agree with the statement of this Bank of England official that "were debt relief to become respectable, it would seriously threaten the integrity of international financing

[30] Feinberg, "Latin American Debt," 67. For diverse views on the Baker Plan, see Christine Bogdanowicz-Bindert, "World Debt: The United States Reconsiders," *Foreign Affairs* 64 (Winter 1985/86); Patrick Conway, "The Baker Plan and International Indebtedness," *The World Economy* 10 (June 1987); Cheryl Payer, "The World Bank: A New Role in the Debt Crisis?" *Third World Quarterly* 8 (April 1986); William R. Cline, "The Baker Plan and Brady Reformulation: An Evaluation" in Ishrat Husain and Ishac Diwan, eds., *Dealing with the Debt Crisis* (Washington, DC: World Bank, 1989).

[31] Nicholas Brady, Press Release, *Treasury News*, 10 March 1989; Colin M. Miles, "Market Solutions to the Debt Problem: Their Scope and Limitations" (unpublished manuscript, 1988); John Williamson, *Voluntary Approaches to Debt Relief* (Washington, DC: Institute for International Economics, 1988), no. 25.

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mechanisms together with future flows of savings from North to South to foster economic development."[32]

Bargaining between Brazil and Its International Creditors

On 20 February 1987, Brazilian President José Sarney declared a suspension of interest payments on loan obligations to commercial banks; and the government party, supported by the minister of finance, passed a resolution forbidding Brazil to enter into any type of agreement with the International Monetary Fund. As of July 1987, an international bank memo noted that "the onset of serious negotiations with the Brazilians is not yet in sight" and that "the moratorium is increasingly being taken for granted." The memo concluded that the "Brazilian authorities are confident that they are beyond the reach of the banks in terms of reprisals or other types of pressures."[33] Yet by November, both sides tentatively had reached a new debt agreement, signed after months of negotiations on 22 June 1988. Coming on the heels of Brazil's confrontational debt strategy and heterodox economic policy in 1986, this new agreement, though surprising, resulted from the realization by banks and Brazil of their common interests and mutual dependence. This section analyzes the bargaining strategies of the players as they pursued their interests and objectives, beginning with the imposition of the interest payment moratorium in February 1987 through the June 1988 debt rescheduling agreement.

The implementation of the interest payment moratorium was a critical moment, not only in Brazil-bank relations but also in the near breakdown of the international financial system. Default either by an individual debtor or by a cartel of debtor nations poses a serious threat to the balance sheet of banks, as well as to the stability of the financial system. Yet Brazil, a country with strategic ties to the United States, the major Latin trade partner with the United States, and a powerful economic force in the region, did impose a suspension of interest payments covering 62 percent of Brazil's then foreign debt of $108 billion.[34] There had been some discussion within the government, at least since 1985, to restrict interest payments from exceeding 2.5 percent of the gross domestic product (GDP) as opposed to the actual 4 percent. Minister of Finance Dilson Funaro had sought in 1985 to secure lower interest rates and a multiyear rescheduling package with commercial banks. He considered the size of Brazil's indebtedness an influential instrument to pressure the banks with the greatest exposure. By taking a "proactive" stance in renegotiations, Funaro assumed a stronger bar-

[32] Miles, "Market Solutions to the Debt Problem," 2.

[33] Bankers Trust, *Internal Memo*, 21 July 1987, 3, 4.

[34] After Mexico, Brazil has been the largest Latin American trading partner with the United States. For Brazil, the United States is the most significant importer and exporter involved in 22 percent of Brazil's trade. See International Monetary Fund, *Direction of Trade Statistics* (Washington, DC: International Monetary Fund, 1992).

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gaining position for Brazil.[35] Funaro further was emboldened by Brazil's unprecedented preferential treatment by the Paris Club of official government creditors in 1987. In the month prior to the moratorium, the creditors of the Paris Club agreed to reschedule over $4 billion of Brazil's debt without first requiring Brazil to accept an IMF program and formal IMF monitoring. Though many commercial bankers considered this action a "breach" in the status quo of debt relief *cum* adjustment, Brazil interpreted it as a strong indication of the industrial governments' support for the Brazilian government.[36] Another reason for the moratorium was the critically low level of foreign reserves. As Brazil adhered to scheduled interest repayment, its reserves began to fall until in 1987 the level amounted to only 50 percent of the previous year. Brazil's trade surplus, which reached $12.5 billion in 1985, also had dropped to $10.2 billion, placing greater constraints on the trade-offs between scheduled interest payments and internal capital distribution. Domestic political pressures also shaped the moratorium decision. Sarney's political base, stemming from his accidental ascension to power, remained unsolidified. Political leaders, trade union leaders, and others called on the president to make a "heroic gesture" against foreign bankers. As Funaro said after meeting with Citibank's chairman, "we aren't about to sacrifice ourselves here in Brazil to sustain Citibank."[37] One British economist interpreted Brazil's policy move against international banks as "the baring of its hairy chest" in an effort to incorporate the growing populist movement in the country.[38]

As Brazil's confrontational stance continued through 1987, international banks solidified their position against the government by drawing from their power resources. Banks imposed severe cuts in trade lines to Brazil, which exacerbated Brazil's balance of payments position, since it had to draw funds from its foreign reserves to cover the trade credit gap. Banks also doubled the spreads on trade finance loans as a response to their perception of a greater sovereign risk. Recognition surfaced in the private sector that Brazil was denying itself necessary access to external sources of capital. With a constriction of and increased costs from obtaining trade credit, Brazilian private firms did not have sufficient funds to finance capital goods imports.[39] By these means, commercial banks took the hardline tactical position of squeezing Brazilian traders and the government in order to force a resumption of interest payments. Internal political costs of the moratorium played a role as the architect of the policy, Funaro, was fired in April 1987; his replacement, Luiz Carlos Bresser Pereira, presented in September a modified rescheduling plan to the banks, which they immediately rejected. The

[35] Eul-Soo Pang, "Debt, Adjustment, and Democratic Cacophony in Brazil" in Barbara Stallings and Robert Kaufman, eds., *Debt and Development in Latin America* (Boulder, CO: Westview Press, 1989), 136.

[36] M. S. Mendelsohn, "Wrong Way to Tackle Debt," *The Banker* 137 (March 1987): 30.

[37] Javier Peidra, "Brazil Redefines Negotiating Position on Debt," *Infobrazil* (March 1987): 2.

[38] Libra Bank economist, July 1988.

[39] Paul Luke, "The Latin American Debt Problem: An Evaluation" (London: Libra Bank, 1988), 31.

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banks objected to the plan's stipulation of requiring them to participate in the conversion, at 70 percent of face value, of half of Brazil's commercial bank debt into long-term, fixed-interest bonds.[40] Bankers were more upset at the discount figure of the loans than the basic idea of debt-equity conversions, which they later accepted.

By fall 1987, there were indications that both sides had shifted in their tactical response to each other's position and were willing to provide some concessions. Given the banks' short-term objective of obtaining the resumption of interest payments, the lead banks began to soften their hardline stance. The moratorium was costing the creditors around $500 million a month, which by September totalled $3.5 billion in interest arrears.[41] The rupture in interest payments brought down the price of bank shares, and the continual erosion through discounting of the value of loans resulted in a critical review of bank portfolios by American bank regulators.[42] The threat of forcing American banks to register their Brazilian loans as value-impaired was a tool also used by Brazil. Bresser Pereira was aware of the impact of this regulatory classification when he remarked in October that "I am interested in getting out of the moratorium, but the banks are even more interested than I am."[43]

The relatively recent involvement of American regulators in bank-state relations needs emphasis. The threat of devaluing bank loans is a major change in the rules of interaction between creditors and debtors. The possible reclassification of loans held by American banks forced both banks and Brazil to recognize the commonality of interests during this negotiating period. An Inter-agency Country Exposure Risk Committee (ICERC), composed of the head of the Federal Deposit Insurance Corporation, the comptroller of the Currency, and the Federal Reserve chairman, has the authority to examine categories of loans that have been adversely affected by risk. A position paper from the committee suggests that "responsibility for recognizing and accounting for deterioration in the value of a bank's assets . . . rests, in the first instance, with the management of a bank and its auditors."[44] A major reason for devaluing loans is the inability of banks to obtain interest arrears. Brazil was falling into the category of value-impaired due to its moratorium. As the ICERC was meeting in fall 1987, both bank officials and Brazilian authorities realized the implications of such a ruling. First, banks immediately would set aside a reserve of 15 percent against assets whose value had been found to be impaired. More importantly, banks would have to write

[40] "New Plan Suggests Thorny Debt Talks," *Latin American Regional Reports: Brazil*, 22 October 1987, 6.

[41] "Debt Crisis," *Latin American Markets*, 21 September 1987, 2.

[42] "Proposal With Respect to Certain Brazilian External Debt Held by Commercial Banks," U.S. Treasury, 25 September 1987, 2.

[43] *Latin American Regional Reports: Brazil*, 22 October 1987, 6.

[44] Inter-agency Country Exposure Risk Committee, "Inter-agency Statement on Examination Treatment of International Loans," Washington, DC, 15 December 1983, 3.

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down their loans, taking their loan-loss reserves out of their capital bases, and hence being unable to earn interest. Second, such a reclassification would have placed Brazil in the same category as Peru, Bolivia, and Zaire, countries who have to pay higher interest rates and/or fees for credits. Third, placing Brazil on a value-impaired basis would make it difficult for banks to justify to their shareholders rescheduling with a new money component. It would be considered throwing good money after bad, rather than an attempt to manage the debt crisis. The injection of regulatory agencies examining the classification of loans and the threat of reclassifying them as value-impaired forced "Brazil and the banks to the negotiating table" by winter.[45]

The second major area in which both sides made significant concessions concerned the role of the IMF in the negotiations between banks and Brazil. Under two ministers of finance, Funaro and Bresser Pereira, Brazil continued to refuse any linkage between a return to the IMF and an agreement signed with commercial banks. The banks on their part pressed Brazil for such an agreement, as well as a partial payment of overdue interest. Cracks in bank unity surfaced, which strengthened Brazil's position. The long-term benefit of continued collective action was seriously weakened as individual banks pushed for a relaxation of the IMF linkage in order to obtain some interest payment. An IMF economist realized this dilemma when he said in an interview that "banks first of all want to get paid, and they will seek approval only if an IMF program helps in being paid."[46] A senior economist with American Express was even more forthright. "Banks ultimately must protect themselves. They have to decide what is good for the banks and for profit. IMF approval should be separate from commercial banking." In the end, he said, "banks and the IMF might have to part company."[47] The banks and Brazil did reach an understanding in which Brazil agreed to consult with the IMF, but Bresser Pereira reiterated Brazil's refusal to link rescheduling negotiations with the IMF.

Though the banks made a partial concession with IMF linkage, they held firm in their demand for a resumption of interest payments prior to any rescheduling agreement. They demanded and received a token payment of $500 million by late October. This payment and a later one of $1 billion were held in escrow until agreement was reached on Brazil's debt and on lifting of the moratorium. The stalemate between the banks and Brazil finally ended with the signing of this short-term package, the firing of Bresser Periera, and the hiring of Mailson Ferreira da Nobrega, civil servant and technocrat, as finance minister. He preferred a "pragmatic, professional, and flexible attitude" in debt negotiations.[48] In this preliminary short-term debt agreement, Brazil obtained a short-term loan

[45] Bankers Trust senior vice president, June 1988.

[46] IMF economist, November 1987.

[47] American Express senior economist, June 1988.

[48] "Nobrega Will Talk with 'Changed' IMF," *Latin American Regional Reports: Brazil*, 11 February 1988, 3.

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of $3 billion from the banks carrying a 0.875 percent spread over LIBOR (London Interbank Offered Rate) and payable by 30 June 1988, when the longer-term finance package would be in place. In exchange for the short-term loan, Brazil resumed interest payments, agreed to consult with the IMF, paid interest in arrears, and provided a 0.25 percent fee plus an additional 0.25 percent fee to banks for early participation.[49]

This short-term finance agreement was considered by banks a necessary step toward a major rescheduling package and the restoration of normal relations between banks and Brazil. Not only was Brazil pressed by international banks to reach this accord, but, according to a Bankers Trust memo, both the World Bank and various export credit agencies had cut disbursements to Brazil leading to a shortage in trade credit.[50] William Rhodes of Citibank concluded that the interest payment moratorium cost Brazil some $1.5 billion in lost interest rate reductions from delayed restructuring, cancellation or higher costs of trade lines, loss of new funds from multilateral agencies, and capital outflows.[51] According to a U.S. Treasury official involved in these negotiations, Brazil's short-term financial status in November was vulnerable to bank leverage. Banks during the October stock market crash withdrew money from Brazil to obtain cash for their shareholders. Moreover, the cutting of trade lines resulted in a drop of trade loan maturity to only fifteen days, which restrained Brazilian exporters. Without sufficient short-term loans, Brazilian interbank funds were drying up, affecting their capacity to finance Brazilian projects.[52]

Once the short-term accord was signed, negotiations continued in search for a long-term rescheduling agreement. The banks still urged Brazil to consult with the IMF on an ambiguous program of economic adjustment. Yet since, as one banker mentioned, "75 percent of the game of lending is interest repayment," Brazilian acceptance of keeping interest payments current had lessened the urgency of an IMF plan.[53] During this preliminary discussion, Brazilian officials made it clear that the government would accept a rescheduling agreement only if it allowed Brazil to consult with the IMF on economic policy issues instead of imposing a strict commitment to a traditional IMF austerity program.[54] Banks were willing to cast aside the traditional linkage of an IMF austerity package with a new money accord in order to be repaid.

The Brazilian response was to whet the banks' appetite with some domestic economic adjustments. Rather than be forced by the IMF to undertake economic reforms, Nobrega agreed to a series of planned measures as Brazil's contribution

[49] Katherine Sieh, "New Debt Agreement Reached," *Infobrazil* (November 1987), 1; "Deal with Banks Ends Moratorium," *Latin American Regional Reports: Brazil*, 26 November 1987, 6.

[50] Bankers Trust, *Internal Memo*, 21 July 1987, 4.

[51] Rhodes, "An Insider's Reflection on the Brazilian Debt Package," 13.

[52] U.S. Treasury official, November 1987.

[53] Midland Bank economist, June 1988.

[54] David Ehrenthal, "Brazil Renegotiates Debt and Approaches IMF," *Infobrazil* (March 1988), 10.

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to its economic adjustment. A freeze on public sector wage increases was accompanied by efforts to sell off public firms and to reduce the large government budget deficit.[55] Yet Brazil only was seeking a general plan of adjustment without specific economic targets set for each component. Brazil still needed some agreement with the IMF to help the negotiations with creditor banks. However, the Brazilian authorities understood that the possibility of the debt being declared value-impaired posed in some ways a greater threat to banks than to themselves. Brazil was hoping that by undertaking some economic reforms without any firm IMF agreement, the banks would finalize a major rescheduling and refinancing package.

The debt accord finally was reached on 22 June 1988, after more than five months of negotiations. Brazil had come nearly full circle since February 1987, when it imposed a moratorium on interest payments. Nobrega recanted the moratorium policy and in a series of conciliatory moves sought to return to the fold of the international financial system. Representatives of both parties claimed that the agreement was in their best interest. After an incremental process of proposals and counterproposals, both sides came to recognize and accept a commonality of interests with this agreement. Citibank's chief negotiator, William Rhodes, said that this is "the most extensive and innovative menu of proposals" yet included in a rescheduling package and that it "may point the way to the future in the management of the debt crisis."[56] Minister of Finance Nobrega called it "the best agreement in Brazil's history."[57]

Focusing on several specific features demonstrates the mutually satisfactory character of the agreement, one that was reached from using the parties' respective power resources to constrain the choice selection of each other. In broad terms, the rescheduling accord places emphasis on a multiyear rescheduling strategy in contrast to refinancing every one or two years. The long-term approach is based on restructuring the debt by linking it to the payment capacity of Brazil without further recourse to international capital markets for financing. This approach calls for the consolidation of the maturity period to at least four years and the determination of Brazil's appropriate payment capacity, both of which will require increased centralization and coordination among the parties.[58] Brazil and the banks agreed to reschedule $61 billion, equivalent to 94 percent of the medium- and long-term debt owed to international banks. This rescheduled amount was to be paid over twenty years with an eight-year grace period, at an interest rate margin of 13/16 percentage points over money market rates. This

[55] "Nobrega in Hurry for Talks with IMF," *Latin American Regional Reports: Brazil*, 28 April 1988, 5.

[56] Stephen Fidler, "Banks Agree 'Innovative' Approach," *Financial Times*, 23 June 1988; "Brazil to Sign Debt Pact With Foreign Banks Today," *Wall Street Journal*, 22 September 1988.

[57] "Debt Rescheduling Accord Ready," *Gazeta Mercantil*, 27 June 1988, 3.

[58] U.S. Treasury, "Proposal with Respect to Certain Brazilian External Debt Held by Commercial Banks," 3.

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figure is significantly lower than the average margin of about 1.7 percentage points.[59] Under the accord, Brazil will receive $5.2 billion to refinance interest due in 1987, 1988, and the first half of 1989 at a 13/16 percent a year spread above LIBOR. This will be repaid over twelve years with a five-year grace period. The $5.2 billion package is comprised of four different options as a way to attract bank participation: $750 million in co-financing with the World Bank, $2.85 billion in parallel financing with the World Bank, a new $600 million medium-term credit line to finance exports and imports, and the subscription of exit bonds.[60] Finally, Brazil immediately resumed interest repayment with a payment of $1.35 billion to cover interest accrued in the first part of 1988.

Another area of mutual acceptance is the development of a menu of options to expand financing. This expanded menu offers a greater range of choices for individual banks as they decide whether to provide new money or to exit from the agreement. These options include exit bonds, debt-equity conversions, and up-front commissions to banks who quickly agreed to the accord. Exit bonds, which are for banks not wishing to participate in new money lending, carrying a 6 percent interest rate over twenty-five years. Dozens of banks are participating by buying exit bonds, which are converted into equity investments or into local currency obligations in the form of Brazilian treasury notes. Banks then can reduce their loan exposure, and Brazil can reduce its indebtedness. A report by the Advisory Committee comprised of the leading commercial banks with exposure in Brazil urged the government to expand its debt-equity program.[61] Although the Brazilian government accepted a limited version of a debt-equity program, it currently is dragging its feet because of the politically sensitive issue of selling shares of Brazilian firms to foreign banks. Also, as an incentive to obtain the required 90 percent of Brazil's 700 creditor banks, the Brazilian government agreed to pay 3/8 percent and 1/8 percent commissions to banks that adhered by 5 August and 2 September 1988, respectively.

From the perspective of some bankers, the major weakness of this debt rescheduling agreement is the absence of effective IMF control over the disbursements. In a major departure from previous rescheduling negotiations, the commercial banks agreed to a loose arrangement with the IMF. The Brazilian government adamantly opposed bank loan disbursements subject to specific economic targets. The Brazilian ambassador to the United States said in a personal interview that there was "no real and rigid linkage since Brazil bargained hard."[62] Other Brazilian embassy officials said direct linkage did not exist, since Minister of Finance Nobrega announced some adjustment measures before the IMF mission arrived.[63]

[59] Fidler, "Banks Agree 'Innovative' Approach," 3.

[60] "Debt Rescheduling Accord Ready," *Gazeta Mercantil*, 27 June 1988, 3.

[61] Peter Truell, "Brazil Could Cut Foreign Bank Debt by $19 Billion by 1994, Study Says," *Wall Street Journal*, 23 August 1988, 6.

[62] Brazilian Ambassador to the United States, June 1988.

[63] Brazilian embassy officials in the United States, June 1988.

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Bankers, however, are concerned about, as one observer put it, "the slippage between the soup bowl and the lips."[64] Under the agreement's terms, the first loan installment, which amounts to almost 80 percent of the total new money package, will be independent of Brazil's economic program. Thus, Brazil automatically will obtain $4 billion, which it will return directly to the banks in the form of interest payments. The next installment of $600 million is paid upon the IMF's evaluation of Brazil's economic progress, but no specific targets have been set to measure the success of the program. The final $600 million will be determined by Brazil's meeting of the economic goals set by the IMF. However, a provision allows banks to vote in favor of the third disbursement, even if the targets have not been reached.[65] Some bankers expressed concern over the IMF's acceptance of a weak program that ignored Brazil's 600 percent inflation and only provided ambiguous economic targets.[66] According to bankers, international banks and the U.S. Treasury pressured the IMF to "get on board" with this rescheduling program as a sign of settling (at least temporarily) the debt crisis in a major debtor nation.[67]

The World Bank, in many ways, has filled the void left by the IMF in linking conditions to credit disbursement. By providing more than half of the total new money, the Bank pays an important institutional role in sustained economic performance and the implementation of policy reforms.[68] The Brazilian rescheduling accord states that the Bank must approve the disbursement of the first installment followed by commercial bank approval of the second installment. The World Bank then must determine the effectiveness of public sector reforms in order to disburse the third disbursement. However, nearly half of the total World Bank loans to Brazil is in the first installment, thus weakening the conditions attached to the remaining credit. To counter this weak linkage policy, banks were able to insert into the agreement a clause that permits them to seize Brazilian assets in the event of a default on its debt. Brazilians did not want their assets or reserves in foreign banks subject to seizure. The government tried in vain to obtain a waiver of the attachment, since it strikes at Brazil's sovereignty.[69] But in light of the interest moratorium, banks sought a capacity for seizure of at least some Brazilian commercial assets.

A majority of commercial bankers whom I interviewed in general favored the agreement. One replied that "this was a second best outcome in which there was something for everyone. Both the IMF and the banks were able to save their face. It was not the most thoroughgoing package that came out of the IMF; far from it. It was subject to some slippage. However, at the end of the day, banks simply

[64] Adviser to Chase Manhattan, June 1988.
[65] Fidler, "Banks Agree 'Innovative' Approach," 3.
[66] Economists at Libra Bank and Lloyds Bank, July 1988.
[67] Economists at Libra Bank, Chase Manhattan, and Chemical Bank, June 1988.
[68] U.S. Treasury official, June 1988.
[69] Brazilian embassy officials in the United States, June 1988.

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want their interest repaid."[70] Not only did the banks obtain an immediate interest payment and promise of more to come, Brazil paid an additional commitment fee to those banks willing to participate immediately. In the end, the debt agreement accomplished the short-, intermediate-, and long-term objectives of international banks. Brazil also was satisfied by the favorable terms of the accord and the weak linkage to the IMF.

Conclusions

The Brazilian rescheduling case study illustrates the tactical policy moves of the major participants, based on a framework of strategic interaction, as each side endeavors to reach an agreement most favorable to itself given the power resources of the other. Since each participant has a certain amount of power and leverage in specific areas, the eventual rescheduling agreement resulted from bargaining, compromise, and concessions. The Brazilian example takes us through the various stages in which the two parties recognized each other's interests and the constraints imposed on one another. The article confirms the constraining features of a power-based strategy followed by banks and Brazil, which produced a mutually acceptable second-best debt accord.

Three points—focusing on the bargaining strategies of international banks, the Brazilian government, and the importance of strategic interaction—can be made from this particular case study, which can be generalized to other strategic interactions taking place between debtors and international banks. By identifying the three dimensions of international bank lending, the power-based strategic behavior of banks becomes clear. As banks enter into rescheduling negotiations, the international, short-term, and commercial characteristics of lending act as reference points in determining bank strategy. In the Brazilian example, which I contend can be extended to current Latin American cases, commercial banks seek the conditions that will sustain immediate interest repayment. Their initial strategy is to link this objective with an IMF-sponsored program of austerity. However, given any prolonged refusal by the debtor country to submit to this form of economic adjustment, banks will break from the IMF-led international creditor regime to form a more limited, though powerful international bank regime based on the dimensions of international lending. During their negotiations with Brazil, international banks perceived that their interests in being repaid and establishing normal lending ties to Brazil were outside the purview of the IMF. In order to reassert control over their lending and repayment operations, international banks have extended their influence and power in the formation of conditions and the creation of a menu of options. As the IMF's credibility fell in Brazil, the confidence level of international banks rose, resulting in their own agreement.

[70] Midland Bank economist, June 1988.

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The menu of options that resulted from the rescheduling negotiations with Brazil reveals another source of bank power. Banks recently have established a list of priority objectives with a parallel list of tactical policy moves. Given the specific bargaining stance of the debtor country, banks will identify their own objectives and bargaining positions in light of debtor policy. Iterative negotiations have taught international banks the importance of learning and establishing flexible responses. Banks explore their tactical advantages over debtors by remaining flexible in an uncertain environment. By adjusting to changing circumstances with the development of innovative policies of conditionality, banks have been able in recent years to protect their interests and to improve their performance capacity.

However, the perception of international banks as powerful entities with the capacity and willingness to impose their will on debtors is overstated. To be sure, banks have enormous resources and influential ties with industrialized governments, which they have used to punish debtors. At the same time, the Brazilian example illustrates that while bank conditionality is an influential weapon against debtors, this policy is constrained by the debtor's tactical moves and power resources. These countries are in a position to use the knowledge of bank strategy to their own advantage. Brazil and other large debtors have been able to use their debt burden as a leverage against banks who precariously depend on a resumption of interest payments. Banks thus are caught in a dilemma in which they pressure debtors while being pressured themselves. Debtors, in their bargaining strategy, should not rush to any agreement with banks; moreover, they should resist an active and leading role for the IMF in the negotiations. Brazil succeeded in negotiating a relatively favorable agreement with international banks as indicated by the absence of direct IMF linkage and manageable terms of the loans.

A modified model of strategic interaction provides a more accurate framework for an analysis of creditor-debtor relations than a rigid game theoretic model. By incorporating a constraint-choice analysis, the behavior of the players can be studied as a series of continuous policy moves, each providing new choices and constraints. Rescheduling evolves into an incremental process of decision making with each player posturing, making concessions, or drawing back from negotiations. Each player assumes that only through negotiations and cooperation can the player expect a benefit greater than from a collapse of the negotiations. Yet for the negotiations to continue, each also must allow the other to gain from the negotiations. The end result, as in the case of Brazil's rescheduling agreement, can only be expected to be a second best or satisficing outcome. As long as creditors and debtors continue to negotiate with each other, hope remains for a mutually acceptable agreement based on incremental cooperation.

Finally, if my assumptions and the use of a strategic interaction model are correct, a worthwhile research agenda would be to extend this analysis to other

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countries confronting a similar situation with international banks.[71] The 1988 Brazilian rescheduling accord sets an important precedent for other Latin American countries. Since Brazil was able to offset the harsh conditions of previous agreements, other countries may learn from this example and adjust their bargaining positions. Furthermore, as large debtors experience increased domestic instability from IMF-imposed austerity measures (as in the recent case of Venezuela), international banks will seek alternative routes to achieve interest payments resumption. This process could evolve, as it did with Brazil, into the establishment of an international bank regime and specific negotiations between the debtor country and banks.

[71] A more extensive theoretical formulation and broader empirical application is found in Howard P. Lehman, *Indebted Development: Strategic Bargaining and Economic Adjustment in the Third World* (London: Macmillan, 1993).

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Book Reviews

Kissinger: A Biography *by Walter Isaacson. New York, Simon & Schuster, 1992. 893 pp. $30.00.*

Walter Isaacson, an assistant managing editor of *Time* magazine and the coauthor of *The Wise Men*, has written a volume that in its comprehensiveness, detail, critical point-of-view, and research, is now the standard account—the place from which future research can begin—on Henry Kissinger's career and, more importantly, U.S. foreign policy during the 1967 to 1977 era. Some 156 persons who were interviewed are listed; Kissinger alone gave some two dozen interviews. More important, Isaacson tracked down in the Nixon Presidential Papers handwritten notes by H. R. Haldeman and John Ehrlichman of White House meetings, transcripts of notes from "dead-key" taping of Kissinger's phone conversations, and memoranda of Kissinger's discussions that, although they are closed until after his death, were obtained from participants who had copies.

The overall theses are not new. Isaacson argues that Kissinger and President Richard Nixon constructed a new international framework that shaped U.S. foreign policy over the next two decades. Unfortunately, the author emphasizes, the two men undermined not only Nixon's presidency but many of their own diplomatic strategies with their paranoia, unneeded secrecy, deviousness, and outright lying. He details the diplomacy, then raises the larger point that if U.S. diplomacy is to be lasting and effective, it requires American democracy's explicit support. Roger Morris, shortly after resigning from Kissinger's staff because of his disagreement over the 1970 invasion of Cambodia, made much the same argument, as have others.

Isaacson, however, goes farther. In his narrative (more so than in his final summing up), he sharply criticizes the diplomacy itself, especially in regard to the decision not to include MIRV in the 1972 U.S.–USSR arms agreement ("The world would be condemned to another destabilizing round of the arms race" [p. 322]); Kissinger's misestimation of Egypt's Anwar Sadat between 1970 and 1973; and, of course, the handling of the Vietnam peace talks from 1969 to 1973. The China breakthrough and to a lesser extent the Mideast shuttle diplomacy of 1973–1974 are among the few accomplishments he praises. Isaacson then adds

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in regard to the breakthrough that a Washington-Beijing rapprochement was likely in the 1970s regardless of who was president.

Two aspects of *Kissinger* demand special attention. The first is the depiction of Nixon. The president not only appears highly insecure, narrow, alcoholic, and devious, but weak. This weakness ramifies each time Isaacson quotes a presidential memo instructing Kissinger or Haldeman to emphasize to the press, or Chinese or Russian leaders, how tough he (Nixon) is. Second, never have the details of Kissinger's hunger for power and the sordid inner workings of Nixon's White House been laid out at such length. From the 1950s, when Kissinger "came to realize that Harvard, for all its pretentions, was a backwater from the true power centers of the world" (p. 83), until he became "the world's most famous consultant" (p. 730), Kissinger's drive for power uniquely set him apart from other power-obsessed officials. The deviousness of some of these officials bred such acts as Kissinger's top aide, Alexander Haig, feeding Haldeman and Nixon some of Kissinger's private phone conversations. Kissinger meanwhile believed that, in his words, "Haldeman was the kind of guy who would send you to the showers. He had the soul of a Nazi" (p. 393).

In the present rethinking of the cold war, this book should have a central place. It is not so much a new revisionist account as the detailed evidence that buttresses and enlarges the revisionism that began with Nixon's personal, and the nation's historic, tragedy.

WALTER LAFEBER
Cornell University

Restoration: Congress, Term Limits and the Recovery of Deliberative Democracy *by George F. Will. New York, The Free Press, 1992. 260 pp. $19.95.*

An important movement for change in the Constitution deserves dispassionate and responsibly informed analysis. Especially if the movement is a reactive one, rooted in current anger at perceived failures in the current system and nourished by right-wing antigovernment money that aspires to capture the symbols of democracy, such careful analysis is essential to constructive debate. That function is not performed by Will's book. Although it is adorned, as one would expect, with learned references and is written for the most part in his usual mellifluous style, the book is an ornamented, ex parte brief, not a searching analysis.

The title of the book and those of most of its chapters indicate that Will is leading a nostalgia trip: "Restoration," "The Decline of Representation and the Rise of Careerism," "The Recovery of Deliberative Democracy," "The Revival of Classical Republicanism." Despite his protestations to the contrary, it is clear that he looks to the return to a legislative mode that has never existed and cannot be expected in the future, certainly not from his advocated constitutional limits on legislators' terms.

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The heart of his indictment of the current system is that it is based on what he calls legislative careerism. To what extent this term has any base beyond the pejorative can be debated. What is important to grasp at the outset is that Will asserts that the legislative function is one that can and should be performed by amateurs. This Jacksonian throwback cannot seriously be presented as a little Madisonian reform, as Will wishes to do. For any serious commentator, who must be well aware that we no longer live in that sort of Madisonian world, it must be seen as disingenuous.

Will's argument ties a host of apparent and real shortcomings of the governmental system, some contemporary and some as old as the republic, into a collective indictment for which he sees a constitutional amendment to limit congressional terms (closely related to a balanced-budget amendment) as a prime remedy. He admits it is not a panacea, but his claim that it is a "limited, surgical revision of the rules of representation" (p. 168) is hardly supportable. This is surgery by hand grenade.

Had Will not dismissed with arrogant disdain the evidence that most political scientists oppose term limits, he might have avoided the glib claim that limits are a "fundamentally conservative reform" (p. 179). He might have seen that term limits would involve a shift of power. Since power, somewhat like energy in the physical world, is not lost when its form is altered, the question is where would power be gained or lost with the imposition of term limits? The loser clearly would be a Congress made up of constitutional lame ducks, and the gainers would be the organized interest groups and the executive bureaucracy—subject to no limits of term—as well as the president. Power will follow the leadership of experience. The gain of the presidency should be particularly distressing to Will, since he makes it very clear that he dislikes presidents.

Will's basic problem is that he seized upon the evidence of "legislative careerism" as the fundamental problem of the current system. His data on length of terms in House and Senate (not necessarily his inferences) are the familiar ones, as are those on the advantages of incumbency. One can even accept without serious quarrel his assertion that as individuals the members of Congress are "risk averse" (p. 177). None of this, however, supports the idea of term limits as the corrective for the roster of shortcomings that in his view derive from careerism. Principally this is because he treats the problem of Congress as one of individuals, whereas the crisis of Congress is institutional, not personal. Members of both House and Senate have always tended to behave as independent political entrepreneurs. The change in recent years has been one of degree; they are more on their own than they used to be and more so than is good for the health of the institution.

Will quotes one of the statements made by Senator Tim Wirth of Colorado in explaining his reasons for declining to seek a second term in the Senate. Will might also have quoted, but not without destroying his case, Wirth's observation (*New York Times*, 9 August 1992) that "The problem is not merely the power that big givers . . . may gain over elected officials they help; it is the fragmenting

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of what the parties used to provide: financial, organizational and even ideological support." Will's ills are not going to be eliminated by any device (certainly not term limits), but, as Wirth implies, they could be substantially reduced by a new law on campaign finance that would put party organization at its center. A system that suffers from misplaced accountability – by individual legislators to big givers and organized interests – can be substantially improved by legislation that shifts the focus of accountability and accordingly the function of risk absorption from the individual member of Congress to the party organization with which he or she is identified. Treating the political party as just another political action committee is a blind disservice to the commonwealth.

Such a change would not be a panacea, but it also would not be a breeding ground for the disillusion and frustration that an experiment with term limits would create. Term limits appear to enjoy substantial current popularity. For that reason, their inability to produce what they promise would expose their sponsors to legitimate charges of fraud, foolishness, or both. The interest of the republic calls now for the true Madisonian virtue of representatives who are not responsive to transient majority opinion.

DAVID B. TRUMAN
Mount Holyoke College

Uncertain Perceptions: U.S. Cold War Crisis Decision Making *by Robert B. McCalla. Ann Arbor, University of Michigan Press, 1992. 240 pp. $37.50.*

International crises usually throw into sharp relief misperceptions and divergent views held by different nations. Indeed, it is difficult to imagine many crises arising if perceptions were accurate or shared. With this in mind, Robert McCalla analyzes five Soviet-American crises: the Iranian crisis of March 1946, the Berlin blockade, the Berlin Wall crisis, the Cuban missile crisis, and the October 1973 Middle East crisis. While there is little here that will startle those familiar with the cases or the theoretical literature, McCalla usefully demonstrates that statesmen are likely to think that their threats will be accurately perceived, tend to see hostility if not evil behind the adversary's actions, and are often led astray by both the paucity of reliable information and the power of their images and beliefs. McCalla also finds that crises that resemble Prisoner's Dilemma are likely to take longer to resolve than those that fit the model of Chicken and that crises end when the adversaries come to see the situation the same way. But the cases do not fit the models quite so easily, and a more thorough analysis would bring out the multiple dimensions on which perceptions can converge or diverge and the kinds of perceptual differences that can play out throughout a crisis.

McCalla distinguishes between what he calls situational and dispositional misperceptions. Although the terms will initially confuse those who are familiar with attribution theory – an approach that McCalla might have put to more use – he

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is correct to argue that we should separate misperceptions that are to be explained largely by the misleading nature of the available information from those that are caused by the person's internal state or disposition. Situational misperceptions are likely to be altered on the basis of more complete and more accurate information. This also means that not all cases of misperception represent errors and biases. Indeed, we are perhaps too quick to assume that people who misperceive are doing injustice to the evidence at their disposal. McCalla also argues that American misperceptions tended to be dispositional, and Soviet misperceptions were more often situational. This argument is interesting, but the line between the two kinds of misperceptions is often hard to draw, and the evidence presented about Soviet perceptions is even more limited than is true for most books on Soviet–American relations.

It is both a strength and a weakness of the study that the crises are not all of the same type. When the Soviets put up the Berlin Wall they avoided challenging the most important American interests. Indeed, as McCalla notes, several American statements could easily have been read by the Russians as inviting them to block the destabilizing flow of refugees. So it is not surprising that this crisis gives least support to his propositions. In the more dangerous crises, especially the Cuban missile crisis, both sides appear to have been driven to end the game of Chicken—by compromising if necessary—by the fear of inadvertent war, what Thomas Schelling calls the threat that leaves something to chance. McCalla notes this (he misses most of the literature on the subject, however), but the perceptions that are involved do not fit very well with his framework, because they involve more than the adversary's actions and intentions.

ROBERT JERVIS
Columbia University

Cold Warrior: James Jesus Angleton: The CIA's Master Spy Hunter *by Tom Mangold. New York, Simon & Schuster, 1992. 462 pp. Paper, $13.00.*

This is a devastating book, dramatic though not overdramatized, frightening in its implications. The story is not new. It has long been known that James Angleton, chief of counterintelligence at CIA from 1954 through 1974, had played a pivotal personal role in thwarting possible Soviet intelligence penetration of the agency; but he did it in a highly controversial way that also disrupted clandestine intelligence collection activities. Earlier accounts disclosed a long duel between contending CIA partisans of two ex-Soviet intelligence officer defectors: Anatoly Golitsyn (in whom Angleton had an unshakable faith) and Yury Nosenko (illegally imprisoned by CIA for nearly five years after his defection owing to Golitsyn's and hence Angleton's suspicions). These earlier accounts, while widely varying in judgment depending on the bias of authors (and those making leaked

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disclosures), made clear that the CIA's intelligence operations against the Soviet Union were seriously disrupted for years (in fact, for the twelve final years of Angleton's tenure, from 1962 to 1974). Some praise Angleton's tenacity in divining diabolically clever KGB attempts to penetrate and control the Soviet Russian (later the Soviet Bloc) Division, heart of CIA's Clandestine Service; others damn Angleton's own diabolically clever delusions and their impact in the demoralization and neutralization of the CIA's Clandestine Service. Mangold convincingly argues the latter case.

The book is the best and most complete and accurate account so far as one can tell. It is careful, and sources are identified—although, regrettably but inescapably, it is based on interviews rather than documentary sources. Tom Mangold is a good investigative journalist. He has succeeded in interviewing and drawing out most of the available sources, no mean feat, and much (though not all) of the data is attributed, rather than confidential and anonymous as in other earlier accounts.

Angleton was paranoid, a paranoia influenced by the great early betrayal of a friend he had fully trusted, Kim Philby. He later fell under the spell of Golitsyn, who confirmed Angelton's own fundamentalist belief in a Soviet master plan. Golitsyn (who was diagnosed by CIA doctors as paranoid) could maintain his own value only by discrediting all subsequent defectors and continuing to help develop leads to an ever-elusive Soviet mole, supposedly burrowed deep in the agency, with the help of extraordinary access to CIA counterintelligence and personnel files made available by Angleton in violation of all rules and common sense.

Angleton was but the most obsessed in a milieu in which the intelligence-counterintelligence duel between the CIA and the KGB was not seen as one arena, even a central one, in a geopolitical and ideological confrontation, but as virtually the whole game. Angleton's descent into paranoia can be understood. It is harder to understand why the system permitted him to remain in his key place and to exercise virtually unchecked power for a dozen years after he had succumbed to a unique and extreme *déformation professionelle*. John McCone and other nonprofessional directors deferred to his legendary expertise. Allen Dulles and later Richard Helms believed that a suspicious counterintelligence chief was on balance an asset; William Colby quickly concluded otherwise.

Angleton made no attempt to influence intelligence assessments or national policy. He was completely enveloped in the intelligence game. Nonetheless, it strains credibility that he could have continued in power for years believing in the mid-1970s that the Sino-Soviet rift, the Tito-Stalin break, the Albanian-Soviet break, Alexander Dubchek's Prague Spring, Eurocommunism, and more were all clever traps designed and managed by the KGB to lull the West. Similarly, Angleton came to believe that British Prime Minister Harold Wilson, German Chancellor Willy Brandt, and Governor Averell Harriman, among many others,

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were Soviet agents; and probably Swedish Prime Minister Olaf Palme, Canadian Prime Minister Lester Pearson, and Secretary Henry Kissinger as well. By the time he died in 1987, Angleton had shown no sign of recognizing the tremendous error of his convictions.

Mangold's account clarifies and confirms much and adds more to the story of how Angleton's obsessive pursuit of a KGB mole in CIA literally cost the lives of several Soviet intelligence officers who had committed their destiny to the United States. But Angleton sacrificed them to the KGB because he was convinced they must be plants. The careers of at least a dozen American CIA officers were also sacrificed; and suspicions, distress, and confusion were visited on scores more. Important information and counterintelligence leads, discovered only after his dismissal, were likewise ignored.

The book does have one major omission. There is no discussion of the second job Angleton concurrently held throughout almost the entire period—CIA liaison with the Israeli Mossad. The omission may result from an absence of sources willing and able to talk, but it does exclude one important element from the biography and perhaps from analysis of the main story.

Mangold's account, while the reviewer is unable to vouch for accuracy of all aspects, is more complete and sounder than any other. It is well worth reading as a slice of the history of the cold war slighted in most conventional histories and as an important case study—though certainly not a model—of how a clandestine intelligence organization operated in an open society under cold war conditions.

RAYMOND L. GARTHOFF
Brookings Institution

The Imperial Temptation: The New World Order and America's Purpose *by Robert W. Tucker and David C. Hendrickson. New York, Council on Foreign Relations Press, 1992. 228 pp. Cloth, $22.50; paper, $14.95.*

Tucker and Hendrickson begin by (inaccurately, in my view) portraying a Bush administration frustrated by the more limited world role at the end of the cold war. Tucker and Hendrickson contend that Bush reacted to this dismaying prospect by masking a new American hegemony behind the guise of indiscriminate, universal collective security. This new world order "is, for all intents and purposes, the order of the status quo" (p. 69).

After Iraq invaded Kuwait in August 1990, Tucker and Hendrickson astutely describe both the justification for America's military action and the motives offered by the Bush administration in defense of their choice. But Tucker and Hendrickson believe war against Iraq was unnecessary. They argue that success could have been achieved by extending a security guarantee to Saudi Arabia and then trying to obtain Iraq's withdrawal from Kuwait with the economic sanctions. They call this alternative policy "punitive containment."

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Unfortunately for the authors, the viability of their punitive containment option rests on some specific analytical judgments. Would the sanctions regime have been effective? Time has given a different answer to this question than the one Tucker and Hendrickson offer. Would the American position in Saudi Arabia have remained sustainable once the Saudis and their Arab allies concluded that the American-led coalition would not oust Saddam Hussein from Kuwait or break his military power? The authors do not carefully analyze the possible answers to this question.

They recognize that their option would have done little about Iraqi acquisition of nuclear weapons. But they abhor using this as an independent justification for military action, since that smacks of preventive war. So they raise again the tattered banner of economic sanctions. If that course had failed, they argue that America would just have had to set about deterring Saddam from using his new nuclear weapons against the United States, which they deem a manageable task. The danger to Israel is another matter, but the authors feel that Israel could have also tried to deter Saddam from using his weapons. The other argument against reliance on economic sanctions was the imminent obliteration of anything identifiably Kuwaiti in the territory being annexed by Iraq. Tucker and Hendrickson just ignore this issue.

Utterly sure that was was unnecessary, Tucker and Hendrickson proceed to denounce the American use of disproportionate force to win it. They fail to note, though, that almost all of the civilian casualties that arouse their ire are attributable to sketchy projections of a public health crisis caused in every respect more by the economic sanctions they themselves advocate than by the war itself.

Yet, having condemned the excessive use of force, Tucker and Hendrickson also attack Bush for not using more of it, for not occupying Iraq to topple Saddam Hussein. Having undertaken an imperial role, this, they assert, was Bush's imperial obligation. The authors believe "the assumption that the United States would have confronted serious and protracted internal opposition . . . is questionable" (p. 147). The authors should have reflected on the fate of the British soldiers buried in the Mesopotamian desert in the 1920s after their masters, making the same argument, displaced the Ottoman Turks. And Tucker and Hendrickson assure their readers that the well known Arab objections to such American designs could have been answered by offering breathtaking guarantees about how well America would attend to the future of the Iraqi nation.

In conclusion, Tucker and Hendrickson argue that we are left with an American place in the world far from our nation's traditions. "Bush's vision of foreign policy embraces both universal aspirations and military force. . . . It offends the Hamilton–Lodge tradition by virtue of its universalism; it offends the Jefferson–Wilson by virtue of its reliance on force. . . . The freedom of action the United States enjoyed made what we wanted, as opposed to what external circumstances necessitated, of crucial significance" (p. 162).

This model for American behavior has, however, already been proven wrong by the Bush administration's policy in Croatia, Bosnia, and Cambodia. In Soma-

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lia in December 1992 the United States was actually trying to fend off pressure from a United Nations urging America to *expand* the aims of its military action.

Tucker and Hendrickson have written a powerful philippic denouncing the "contract with the devil" (p. 162) by which we wreak terrible havoc on others in order to preserve a misguided sense of our unchecked power. But scholars searching for a guide to America's global purpose will be frustrated, as will be those simply seeking an authoritative historical account of American policy in the Gulf crisis. What they will find, however, is a tract certain to join the rich tradition of eloquent anti-imperialist polemics found in each generation of American intellectual life.

PHILIP ZELIKOW
Harvard University

The Limits of Power: The Nixon and Ford Administrations *by John Robert Greene. Bloomington, Indiana University Press, 1992. 308 pp. $29.95.*

Few things are more valuable to students of the presidency than concise, yet comprehensive treatments of those individual administrations that make up the presidential institution through time. Accordingly, historian John Robert Greene's work makes its primary contribution to presidential scholarship as a succinct, one-stop resource on the politics and policies of Richard Nixon and Gerald Ford.

Greene defines as his goal "balance" (p. xiv), which he largely achieves through airing many of the competing viewpoints that have emerged in the prodigious literature on the controversies of the Nixon–Ford era. The author's original source work in archival materials and with interview subjects adds color to his treatment, but the book's greatest virtue appears in its carefully presented exposition of existing arguments, especially in relation to Watergate. This balanced coverage, in tandem with an extensive bibliographic essay, makes Greene's work a useful starting point for those intending to do further research on Nixon or Ford.

Greene's chapters on Nixon's foreign and domestic initiatives are lucid and instructive. He has further produced a penetrating account of Gerald Ford's indecisiveness over the Nixon pardon and the crippled state of his presidency in the aftermath.

The author, however, falters somewhat in moving from the descriptive to the analytic. He opens by arguing that in the period under examination "the nation discovered its limits in the world, probably for the first time, and had to face the fact that it could no longer do everything it wanted to do." Moreover, he suggests that a second consequence arose from the first: "In this same period Americans came to believe that there should also be limits on the actions of the president and proceeded to put such limits into effect. Every moment of the Nixon and Ford presidencies was an effort to deal with these new limits, to come to grips with a new American attitude toward government" (p. xiv).

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The book subsequently suffers from two problems. First, although Greene ably describes how developments in Vietnam and the Middle East resulted in revision of popular conceptions of America's power abroad, he devotes little attention to tying these developments directly to his second set of limits, those newly imposed on the presidency. Since many of those later restraints were erected in the wake of domestic disputes—such as Watergate and the impoundment controversy—the relevance of foreign limits here is not immediately apparent. Perhaps Nixon's paranoid obsessions and executive excesses can be treated as intervening variables, but Greene does not clearly make that case.

Second, assertions of newness—in relation to limits on the presidency and to negative attitudes toward government—spring surprisingly from an historian. American skepticism of centralized authority exhibits an aged provenance. Efforts to put limits on the actions of the president began long before the ruse of Tonkin or the dispatch of White House plumbers, beginning with those who fully anticipated that enlightened statesmen would not always be at the helm.

Perhaps Greene is correct in asserting that the "ultimate tragedy of the Nixon administration was in Nixon's inability to fully grasp [sic] these new, post-Vietnam limits on his power" (p. 232). But Greene does not succeed in assuring us that Nixon's failures, and thus Ford's, were more a product of the limits of his time than of the enduring restraints of American constitutionalism and political culture. In the end, we are left wondering whether one so beset by "enemies" as Nixon could ever survive in a system predicated on the politics of opposite and rival interests.

RUSSELL L. RILEY
University of Virginia

After the Soviet Union: From Empire to Nation *edited by Timothy J. Colton and Robert Legvold. New York, Norton, 1992. 208 pp. $21.95.*

This timely examination of the current situation in the former Soviet Union seeks to provide a brief overview of the major political, economic, ethnic, military, and foreign policy dilemmas confronting the successor states. Unlike many edited works, it hangs together very well as a consistent whole. It is composed of 30–35 page essays by five prominent experts on each of the topics, primarily from Columbia and Harvard. The concluding chapter by the two editors does an excellent job of bringing together the main points of the preceding analyses and provides some broad recommendations for U.S. policy makers.

In the opening chapter on politics, Timothy Colton focuses on the prospects for stable democracy in the new states. After dividing them into "protodemocracies" and more authoritarian "predemocracies," he examines the institutional dilemmas facing them: the amorphousness of their policy-making machinery, their administrative incapacity, the territorial fragmentation between and within

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these states, and lack of organizational bridges between the state and society. He then looks at the difficulties for democracy caused by their present economic, social, and international environment. Despite the magnitude of the problems, Colton remains mildly optimistic that a significant number of the republics will over time move forward toward democratic consolidation. He sees the privatizing economic reforms and the continued use of competitive elections as being of pivotal importance in this process.

Richard E. Ericson paints a considerably more pessimistic picture in his chapter on the economy. He repeatedly emphasizes the lack of real money, real property rights, real markets and supporting financial structures, and a supportive legal environment present almost insurmountable obstacles to economic recovery. Interestingly, he believes that Belarus has the best prospects of any of the republics. Of the various possible scenarios for the future, he sees a slow and difficult muddling through as most likely. As for the role of the outside world, he believes it should be limited primarily to the provision of business expertise and encouragement for marketization.

Roman Szporluk's excellent analysis of the national question draws a valuable distinction between nationalism as an ethnic-religious concept as opposed to nationalism as a territorial concept. He points out that the former generally leads to civil war, whereas the latter permits the development of a civil society. He urges that support be given to those states, such as Ukraine, which have adopted a territorial definition of citizenship (similar to that of interwar Czechoslovakia); but warns of the growing danger if Russia joins the republics which base their citizenship on ethnic identity (as in interwar Germany).

In his chapter on the military and the defense industrial establishment, Stephen M. Meyer argues that, having lost most of their organizational mission, cohesiveness, morale, and performance capability, these two institutional pillars of Soviet military power now lie in shambles. He examines the various strategies available to each to cope with the situation. Among his most interesting conclusions are that a military coup in Russia, let alone the commonwealth, is highly unlikely; the danger of proliferation of nuclear or conventional weapons as a result of the breakup of the Soviet Union has been greatly exaggerated.

Robert Legvold, in his chapter on the foreign policy implications of the Soviet breakup and in the conclusion, disagrees both with Meyer's optimistic estimation of the lack of danger of arms proliferation and with Ericson's recommendation of a basically hands-off policy for the West. Emphasizing the Russian problem, he and Colton call for U.S. leadership in providing a comprehensive, integrated, and long-range policy to avoid a major crisis in the region.

Though some significant events have occurred since these essays were written in spring 1992, this book is probably the best brief overview of the current situation in the former Soviet Union available at this time.

DAVID L. WILLIAMS
Ohio University

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Lessons of Struggle: South African Internal Opposition, 1960–1990 *by Anthony W. Marx. New York, Oxford University Press, 1992. 347 pp. Cloth, $42.50; paper, $15.95.*

Anthony W. Marx has written the most comprehensive and analytically incisive study to date of the three principal strands of South African internal opposition: Black Consciousness, the African National Congress Charterists, and the black labor movement. The study covers the years between the 1960 Sharpeville massacre and the 1990 release from prison of Nelson Mandela, the years that formed the political memory and organizational traditions of the people and movements now negotiating the future of the country with the government of F. W. DeKlerk. The book builds on the work of scholars like Tom Lodge, Stanley Greenberg, and especially Tom Karis and Gail Gerhart, but its special richness comes from more than two hundred interviews with a wide variety of opposition activists, whose words are frequently quoted to great effect.

The interviews are key to Marx's effort to study the complex interplay between changes in material circumstance, ideology, and political organization and action, for the argument proceeds from the premise (not really the "conclusion" its author calls it) "that history is born of the subjective interpretation of specific experience" (p. xi). Each chapter opens with a tightly written sketch of changes in the political, economic, and social background, and then proceeds to show how individual and collective political actors perceive and react to such structural constraints and opportunities, and in the process help create new structural realities. Ideology is Anthony Marx's conceptual nexus between situation and political response. Fortunately, this Marx's use of the term remains close to the ground and to actual political practice, and the interview material effectively links the abstractions to the life situations of the actors.

The three tendencies Marx studies are based "in real and not just analytic terms" (p. 10) on ideologies focusing on race, nation, and class, respectively. Excluded from Marx's analysis is that movement whose ideology focuses on ethnicity, Buthelezi's Zulu-based Inkatha, which is dismissed as "a financially dependent ally more than an opponent of the state" (p. 8). This is an arguable position, but Marx merely asserts it in the only full paragraph he accords Buthelezi's movement. This neglect ill serves the reader trying to understand the violence currently afflicting South Africa. Ethnicity gets similarly short shrift, being a subject of "popular disinterest" (p. 241). I fear that reliance on interviews and sympathetic immersion in opposition culture may have clouded Marx's vision. Most politically active black South Africans do not speak easily of African ethnic divisions. It is not at all certain, however, that popular practices are equally oblivious or that political elites themselves will not under some circumstances act as if ethnic divisions were decisive, whatever they may later say. Rather than being assured that ethnicity is unimportant, I would rather be shown that such is the case by having the ethnic identities of the sixty-six elected United Democratic

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Front officials added to their class and occupational characteristics catalogued on p. 136.

Such limitations notwithstanding, Marx's book is a major contribution to our understanding of a significant part of South Africa's current politics. More generally, it should be read with profit by students of nationalism, rebellion, and social movements in comparative perspective.

WILLIAM J. FOLTZ
Yale University

Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective *edited by Scott Mainwaring, Guillermo O'Donnell, and J. Samuel Valenzuela. Notre Dame, IN, University of Notre Dame Press, 1992. 357 pp. Cloth, $42.95; paper, $19.95.*

The tentativeness of the new democracies throughout the world is palpable, and the tragedy of failed liberalization is poignantly clear in the rampant death and destruction in the former Yugoslavia. Our understanding of the ingredients that make up successful democratic institutions and nations is still inadequate. In recent years, Latin American scholars have made significant theoretical contributions to our understanding of authoritarian regimes, corporatism, and, most recently, transitions to democracy. In this volume, a group of Latin Americanists considers the process of consolidating democracy. They examine the processes that follow the heady years of transition, identifying the obstacles to achieving a procedural democracy. This is an excellent volume that will help readers understand the dramatic changes reshaping political life throughout the globe at the close of the twentieth century.

The editors begin with a tenuous distinction between the periods of transition and consolidation. The two are, of course, related; and several authors demonstrate how the terms of transitions set important limits on whether consolidation is possible, as well as the difficulty with which it is achieved. For example, Felipe Aguero's insightful essay catalogs the exact method and conditions of the military's "exit" and the institutional structures that carried over into the democratic period for Peru, Brazil, Argentina, and Uruguay. As Aguero points out, "in all the South American cases it was the military, rather than a civilian leadership, that made a conscious decision to initiate a process of liberalization and some kind of democratic opening" (p. 166). Thus, to varying extents, the armed forces retained considerable bargaining power, the capacity to influence the transition agenda and set the conditions for subsequent military involvement. This is a central component in contemporary politics in the region, one too easily ignored in our efforts to celebrate the new regimes.

One of the great virtues of this collection of essays is the insistence on a comparative framework applicable beyond the geographic limits of South

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America. While their cases are from the Southern Cone and the Andes, the authors frequently draw upon the experience of Spain, and several take on comparisons with Eastern Europe. Scott Mainwaring contributes a very useful essay summarizing the debates on democratic transitions. Guillermo O'Donnell, Samuel Valenzuela, and Adam Przeworski all contribute strong theoretical pieces. They discuss the difficulties in our definitions of democracy and emphasize the "very real risks of authoritarian regression" (O'Donnell's phrase, p. 17). All three develop rich comparative frameworks. Catherine Conaghan in a very welcome contribution gives us a detailed case study of the multifaceted business community and its changing relationship to the political scenario throughout the Andean region. The weakness of civilian structures and institutions, in particular the weakness of political parties, is the theme developed by Frances Hagopian in her consideration of the Brazilian transition.

The great disappointment in the volume is the failure to examine adequately the experience of the groups, especially women's organizations, which were important components in the transition to democracy. Social movements, whether for human rights throughout the Southern Cone or for subsistence as in the communal kitchens of Peru or with explicitly feminist agendas as in Brazil are all part of the reshaping of public life in contemporary Latin America. One of the dilemmas facing these groups is how they will relate to the new democratic institutions of the state. Will women's political roles be expanded in the period of democratic consolidation, or is consolidation itself one of the crucial stages in excluding women and other popular organizations from political power? It is a disappointment not to see this crucial question addressed in an otherwise excellent collection.

This is a sobering and essential volume, reminding us of the risks the new democratic regimes face. Each of the authors indicates that consolidation is anything but assured, and the return of the military or another authoritarian regime awaits only the demonstration of the viability of this alternative. Readers seeking some first-rate thinking about these issues will be well served with the essays in *Consolidating Democracy*.

SUSAN C. BOURQUE
Smith College

The Islamic Threat: Myth or Reality? *by John L. Esposito. New York, Oxford University Press, 1992. 212 pp. $22.00.*

John Esposito's new book challenges the accuracy of popular perceptions of Islamicist movements in policy circles, the academy, and the press. The book begins with an account of the differences in the organization and ideologies of contemporary Islamic movements and presents the history we need to understand

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them. Chapters two and three provide a summary of the contact between the West and the Muslim world, beginning with the Crusades and ending with the economic and political failure of the systems that emerged in the Middle East in the post-colonial era. Chapters four and five lead the reader through brief descriptions of state-sanctioned Islam in Libya, the Sudan, Egypt, and Iran; and Islamic opposition movements and organizations in Egypt, Pakistan, Lebanon, and North Africa. The conclusion returns to the themes developed in the beginning of the book, focusing on the policy implications of misreading the Islamic resurgence. The discussion here is wide ranging, covering the end of the cold war, the relationship between democracy and Islam, and Muslim reactions to events as diverse as the publication of Salman Rushdie's novel, *The Satanic Verses*, and the Gulf war of 1991.

The main thesis of the book is a familiar one. The resurgence of Islam, Esposito tells us, is a reaction to the failure of secularism and Arab nationalism. The Islamic revival, he argues, not only challenges both modernization and development theory, it is actually a response to the process of modernization itself. Islam is diverse and has been used to justify a large variety of political goals. Islamic movements arise in response to local problems (ranging from economic crises to a search for a more authentic identity), which may at times interact with broader regional or international events to give Islamic movements an anti-western appearance. Because of this diversity, political Islam is not a threat to the West, and Esposito cautions us against the motives of those who claim that it is.

Although Esposito's book has been rightly acclaimed as a corrective to inaccurate perceptions of political Islam, it is vulnerable to a number of criticisms. First, it makes an argument that is already quite well represented in the Middle East area studies literature. Second, while the discussion appears to be driven by contemporary policy concerns, it fails to analyze the empirical material in a way that illuminates the consequences of different policies.

Finally, Esposito, like those whom he criticizes, accepts the notion that the Islamic revival is a global phenomenon that, its diversity notwithstanding, can be analyzed as such. Yet, with much of the globe actively participating in politics of a decidedly illiberal character, the burden of proof rests with those who caricature Islamic politics as an especially mysterious and threatening phenomenon. It is naive to think that scholars who depict political Islam as a menace to the western world do not recognize the diversity of these movements. In this context, a simple recognition that political Islam is diverse still leaves room for pat interpretations, which, inaccurate as they may be, will continue to order popular views of the Islam in the West and in the Muslim world itself until a coherent alternative interpretation is put forth. To the extent that Esposito implicitly accepts these formulations as being worthy of further examination, he at once gives them more credit than they deserve and limits his own contribution to a rebuttal of an argument that is widely recognized as being analytically and empirically indefensible.

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In short, correcting misconceptions about political Islam requires systematic, empirical study, which would preclude a return to the debate Esposito has resuscitated and focus on questions central to comparative politics as a field. The elements of such an analysis suggest themselves in the descriptive accounts presented in the book; they include a discussion of the economic underpinnings of political Islam and of the extent to which religious organizations provide basic services that the central state ceased performing as part of the economic liberalization schemes of the 1980s. One way to reconstitute a study of Islamic revivalism might be to recognize what appears to be the historical specificity, institutional fragility, and perhaps even the transitory character of the liberal western ideal to which politics in the Muslim world have always been compared. Recasting the study of the Islamic revival in a broader frame would contribute to our understanding of a wide range of illiberal political movements, which are collectively challenges to the western liberal tradition. Neither the movements nor the challenges are unique to the Muslim world.

KIREN AZIZ CHAUDHRY
University of California, Berkeley

Race, Class, and Culture: A Study in Afro-American Mass Opinion *by Robert C. Smith and Richard Seltzer. Albany, State University of New York Press, 1992. 203 pp. Paper, $14.95.*

Smith and Seltzer have written a groundbreaking study of race, class, and political culture in the United States. They ask important and systematic questions about Afro-American attitudes and behavior, and examine the evidence bearing on them from the 1987 National Opinion Resource Center's (NORC) General Social Survey (GSS).

The book first reviews the debate concerning class versus ethnic influences on mass political culture. The authors avoid many potential problems and misinterpretations by examining several dimensions or components of class (education, income, occupational prestige, subjective class, and class mobility) and political culture (measures of ideology, religiosity, and alienation, and a number of measures of the civic culture from Gabriel A. Almond and Sydney Verba's classic study). They present a lot of data, but this makes their findings (though also some of the limitations of the study) relatively easy to follow.

The book's analysis confirms some and dispels other common presumptions about race versus class versus "ethclass" differences (racial differences that occur only due to the fact that blacks are disproportionately lower class). Multivariate analysis is done (though this is not always obvious in the tables) to untangle these relationships, many of which are clear and persuasive. The data show that

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blacks are more religious than whites, and this separates them culturally. In contrast, most of the differences in the civic culture and political participation, with blacks appearing less civically oriented than whites, are ethclass phenomena. Alienation is both class and racially based, and political ideology is yet more complex: in the case of economic and welfare liberalism, blacks are systematically and strikingly more liberal than whites, and this is not a class-based phenomenon (not a new finding but quite fully presented); in the case of social issues such as sexual permissiveness, women's rights, abortion, and civil liberties (excluding racial civil rights issues), the overall black conservatism is class-based, not an effect of culture (though the critical dimension of education is not fully given its due).

The book's last analyses explore further the foundations and internal dynamics of Afro-American mass culture by assessing the influence of sex, age, marital status, region, type of residential community, and religion, on the different dimensions of alienation, the civic culture, and ideology. Unfortunately, the authors at this point stop making comparisons with whites that were so useful in studying the effects of class, so that they can no longer be sure of making valid inferences about blacks' cultural differences from whites. The authors do show in striking fashion here the southern and rural bases of black conservatism. This black conservatism, however, does not translate into conservative voting. In the urban north, blacks are more liberal and politically engaged though also more alienated and distrustful of political authority. And one neat piece of analysis provides persuasive evidence that organized religion has been an important stimulus to black political participation.

In addition to offering further comparisons of the foundations of whites' versus blacks' opinions, the book's analysis could have also been bolstered by additional cases from the other years of the 1972–1987 GSS. To be sure, the 1987 GSS's content and substantial black oversample make it the single best data set for the study, but comparing and pooling additional years of the GSS (one of the purposes for which the GSS was designed) would have produced more reliable estimates of relationships (especially those that are left tentative or ambiguous) concerning alienation, religiousity, and ideology; and some comparisons over time could have been made from the 1970s to the 1980s.

Limitations aside, this book is required reading for those interested in Afro-American culture. It is also important because of what it says about white Americans, though it does not examine attitudes toward racial inequality. A recommended new companion book in this regard is Lee Sigelman and Susan Welch, *Black Americans' Views of Racial Inequality: The Dream Deferred* (1991). Other researchers will surely want to examine further Smith and Seltzer's arguments about the distinctive versus interconnected influences of race, class, and other factors on mass opinion and behavior.

ROBERT Y. SHAPIRO
Columbia University

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Under the Watchful Eye: Managing Presidential Campaigns in the Television Era *by Mathew D. McCubbins with John H. Aldrich, F. Christopher Arterton, Samuel L. Popkin, and Larry J. Sabto. Washington, DC, CQ Press, 1992. 193 pp. Paper, $18.95.*

This collection of essays grew out of a three-day symposium on Campaigning for the Presidency held at the University of California, San Diego, in December 1991. While the conference covered a range of topics, the campaign experts gathered in southern California on the eve of the 1992 primary season felt strongly that the increased power of television represented the most significant change in campaigning for the presidency in modern times. This volume stands as a careful and precise review of the criticisms of the expanding role of television and the consequences of that role.

While the essays in this volume are universally excellent, Mathew McCubbins's opening essay on "Party Decline and Presidential Campaigns in the Television Age" is so outstanding that the book would be recommended for that contribution alone. McCubbins's extensive literature review examines all of the claims concerning the detrimental effects that increased prominence of television has had on the election process. He then proceeds to examine the reasoning behind those claims, seeking to separate those based in fact from those based merely on the dissemination of conventional (and unexplored) wisdom. Skillfully employing a rational choice model of both voter and campaign participant behavior, McCubbins argues that most of the criticisms fall under carefully scrutiny. Not only is his essay important as a substantive contribution, it is also a model of careful reasoning and precise analysis, the exact type of model to which all students of political science should be exposed.

My emphasis on the first article by McCubbins is not meant to detract from the important insights provided in the remaining essays. John Aldrich argues that the weakening of political parties (caused by many factors over a period of years) led to candidate-centered campaigns and that the spread of television extended the phenomenon of candidate-centered campaigning from the local to the national level. He further contends that these campaigns, so heavily focused on the individual candidates, are forced by television to focus on individual events and responses to those events, and above all on candidate image, rather than on issues.

Chris Arterton takes a slightly different tack, arguing that content does matter but that because of the needs of television to present short stories that attract an audience, the kinds of issues stressed are those that inflame the electorate and divide the public. His argument is that the pressures of winning elections dictate presentation of issues to attract the undecided and convince them not to vote for the opponent. The net result is a decrease in allegiance to either party or individual candidates, resulting in voter unrest with the process.

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Larry Sabato takes this line of reasoning a step further, explaining that the nature of the national news media and the loosening of libel laws has led not only to negative advertising but also to a rush by those covering campaigns to print anything bad about a candidate, anything that might be covered by other journalists if let pass. One obvious consequence of this spate of sometimes unsubstantiated and frequently unsubstantial attacks on candidate character is at most a decrease in the quality of those running for office and at least a decline in public opinion of those seeking the presidency.

In the final essay before McCubbins's summary, Sam Popkin presents a compelling case that the system still works. Drawing on his earlier work and propounding themes reminiscent of V. O. Key, Popkin argues that voters still can and do get enough information to make rational choices among the candidates presented to them. They might be able to get more or better information under other scenarios, but that additional information would not, according to Popkin, change their votes.

The essays in this collection are rich in insights. But its real strength may well be that it lays out both sides of an important debate over the role of television in modern presidential elections and presents an array of questions to address for those exploring the 1992 campaign—one in which the use of television varied in many fundamental ways from that in the preceding campaigns.

L. Sandy Maisel
Colby College

Public Television: Panacea, Pork Barrel, or Public Trust? *by Marilyn Lashley. Westport, CT, Greenwood Press, 1992. 176 pp. $42.95.*

The subtitle of this historical and critical review of public television in the United States poses a multiple choice question. Getting right to the point, the correct answers are: yes, yes, and no. Even the casual viewer of public television could have given these replies without resorting to this slim, densely argued volume of fact and opinion on the medium's first quarter century of formal existence.

It is clear from Lashley's sober presentation that she sees the role of public television much as the Carnegie Commission did in offering its prescription in 1967 for the Corporation for Public Broadcasting (CPB). As a centralizing and coordinating agency, the CPB was to shape the existing haphazard network of education television stations into an entity that would enlighten, uplift, even ennoble a broad audience spectrum otherwise consigned to the pap of commercial networks.

Congress bought the prescription—most of it anyway—and a right-minded board was installed by presidential appointment to set the course. There were

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early successes in dramatic presentations and in news and public affairs. Then politics reared its head, as inevitably it would in any coverage of news and public affairs. The Nixon White House took a sour view of the way it was presented in public TV's news programs.

People were talked to. Those who did not get the message were shunted to other places or out the door. Budgets for CPB were dissected and rearranged. Managers of the individual stations making up the Public Broadcasting Service became more important to the political powers, because the managers could actually determine what went out over their own air. Local control became the watchword of Washington's wary-eyed public television watchers.

Money was funneled directly to the stations that could make convincing cases for their programming. Program producers who had ideas consonant with the reigning political culture in Washington were funded. The far-out, the offbeat, the heavily controversial scrambled elsewhere for funding.

No surprises here. When government money is being ladled out, the haves usually wind up getting more; and those truly in need wind up getting some—but frequently not much. And like many enthusiasts entering public life, program practitioners who came to do good ended up merely doing well.

Lashley chronicles these outcomes in a colorless, academic prose that fails to stir any visceral juices, even when she accurately and fairly delineates the pittance accorded by public television to minorities and minority programming. Women fare better in the medium but bump quickly against the glass ceiling. Unfortunately, the author details the story in charts and graphs—not the stuff to move anyone to action or even outrage.

Indeed, the programming panacea that the charter of the CPB seemed to offer has turned into a pork barrel that serves the interests of the power players—those in Congress and the White House with purse-string control, those in the major public television stations who reached the top and remain there because they know how not to offend Washington and how best to wheedle funds from an affluent elite audience.

Understandably, Lashley is dismayed that the unserved and underserved American audiences have so little to say about the quarter billion dollars in taxpayer money now going into public television. Her remedy is standard: Congress should shape up the operators, see that they open the doors at all levels to minorities and women, and encourage original and innovative programming in areas long ignored.

That, of course, is a tall order for a Congress that has trouble shaping up its own house. More than that, it is a tall order to expect public television to rise above the culture of commerce and special interests that permeates and defines the audience it is supposed to serve.

JOHN SMEE
Fordham University

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The President as Party Leader *by James W. Davis. New York, Praeger, 1992. 240 pp. Paper, $16.95.*

In this study Davis recovers the history of presidential relations with Congress and charts the impediments to presidential success in enacting administration programs. He does not attempt to explicate the concepts of leadership and party or to integrate them into an explanatory or prescriptive framework. In the absence of a framework or clearly specified indicators for his central concept—presidential party leadership of Congress—the reader lacks a guide to his standards for selection of the illustrative examples abounding in the book. Davis describes approaches and behaviors that gained for eleven presidents recognition as "strong party leaders" during some portions of their administrations: Jefferson, Jackson, Polk, Lincoln, the two Roosevelts, Wilson, Truman, Kennedy, Johnson, and Reagan (pp. ix, 3, 8). It is not always clear to the reader that cited instances of presidential leadership of Congress fit the apparent focus on the book's title on party leadership.

Davis finds innumerable obstacles to presidential policy success in Congress. Many of these are built into the constitution, statute law, and party structure. The president is a "prisoner of the separation of powers and nearly powerless to act" (p. 175). The separate election of president and Congress combines with the decentralized party system to deny "the president the tools of discipline that are always available to prime ministers in parliamentary systems" (p. 14). Davis notes as more recent impediments the 22nd Amendment (rendering second-term presidents lame ducks) and the Federal Election Campaign Act (FECA) of 1974. The author assumes that the FECA separates presidential candidates from their party organizations, because it requires campaign organizations separate from the national party committees, and it permits federal funding of primary and election campaigns.

Other constraints on party leadership of Congress arise from communications technology, voting behavior, and the changing structure of Congress. Television campaigning and proliferation of presidential primaries have transformed the nominating process into a plebiscite and eroded candidate-party relationships. Broadcasting also created the public presidency, as it gave the White House a vehicle to mobilize public support for presidential policy leadership of Congress. Split-ticket and split-district voting weaken presidential coattails and lessen the incentive of congressional partisans to support their president. These and other phenomena lead to divided government, which has been the scourge of postwar Republican administrations.

Davis cues the reader to three likely preconditions of effective party leadership: a charismatic president; a large presidential party majority in Congress; and effective liaison. However, he includes Ronald Reagan in the group of dynamic presidents, although his tenure was marked by divided government (a Republican Senate for his first term and half of his second, but Democratic House through-

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out); his success lay in combining Southern Democratic (Boll Weevil) with Republican votes to compose a working majority. He seems also to intimate a degree of congressional leadership for Dwight Eisenhower, crediting him with managing a productive and "generally harmonious relationship" with the Democratic congressional leaders during his six years of divided government (p. 46). A typology of presidential legislative leadership style could emerge from Davis's examples of leadership problems in both united and divided governments.

In the penultimate chapter, which reviews the literature of reform proposals, Davis withholds endorsement of any reform but repeal of the 22nd Amendment. However, his earlier comments on responsible parties, his reference to the British parliamentary system, and his obvious regret of the absence of a "formal position in the party structure" for the president (p. 14) reinforce the impression that he does not conceive of party leadership in Richard I. Neustadt's or George C. Edward's terms as exertion of influence to induce other power holders to adapt their preferences to the president's. Rather he implies commitment to the need for structural changes to provide substantial incentives to legislators for supporting the president of their party and substantial disincentives for withholding support.

CORNELIUS P. COTTER
University of Wisconsin–Milwaukee

President and Congress: Executive Hegemony at the Crossroads of American Government *by Robert J. Spitzer. Philadelphia, Temple University Press, 1993. 309 pp. $39.95.*

It is difficult to write a different book on presidential/congressional relations; this book is different because it wants to be both a text book and a scholarly monograph. As a text book the approach is historical and institutional; as a monograph the approach is case study and policy oriented. Chapter One is a fairly standard historical description of the efforts of the constitutional Founders. Chapter Two in contrast compares the first Congress (1789–1791) and the 27th (1841–1843), examining the evolving relationship between Congress and the president during the first six decades of our history. The next two chapters examine the president's role in domestic policy formulation, arguing that the president has assumed a predominant position, a development explained by politics, history, law, and policy. Chapters Five and Six focus on foreign affairs, looking at the powers shared by Congress and the president (war powers and treaties) and those that are the constitutional purview of the president (executive agreements). The final chapter asks whether the separation of powers is obsolete—an argument the author rejects.

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Trying to be all things to all audiences is both a strength and a weakness of the book. The historical/institutional approach assumes a knowledge of Congress and the president as institutions, but two appendices describing the modern presidency and the structure of Congress are included. The focus on interinstitutional relations provides a policy overview of congressional-presidential relations that is frequently stimulating, but overlooks the microlevel details of how Congress and the president interact. Even when Spitzer moves from the macro to a micro perspective he is critical of the research that would inform his argument; as much time is spent criticizing presidential approval ratings, presidential box scores, and presidential support scores as discussing their role in explaining congressional-presidential relations. And when the author disagrees with empirical research—John Bond and Richard Fleischer's findings on presidential leadership, for example—the author concludes: "The study of presidential leadership is always important if for no other reason than because the practice of good leadership will always be important to Presidents (p. 104).

The textbook orientation is found in the six boxes used to highlight major documents in the history of congressional-presidential relations: major U.S. armed actions overseas, the Gulf of Tonkin Resolution, the War Powers Resolution, congressional resolutions on the 1991 Gulf crisis, attempts by Congress to restrict aid to the Nicaraguan contras, and an historical overview of the Iran-contra case. The research-monograph orientation is found in Spitzer's historical and legal explanations of presidential-congressional interactions (Chapter 4) and the discussion and analysis of the president's war powers (Chapter 5).

Ultimately, this is a book to browse through, looking for lecture ideas or suggestive research questions. But in trying to be both textbook and research monograph it is neither, and may miss both audiences.

JAMES J. BEST
Kent State University

The Man Who Would Be President: Dan Quayle *by Bob Woodward and David S. Broder. New York, Simon & Schuster, 1992. 207 pp. $18.00.*

This book is a compilation of a series of articles on the vice president that the authors, both senior journalists at the *Washington Post*, published in that paper in January 1992. It covers Dan Quayle's background, the 1988 campaign from which it appears he may never recover, his record as vice president, and makes some overall assessments. An able chapter on Marilyn Quayle is also included. The contents fully support the authors' claim that it is based on extensive research and a broad range of interviews. As a basis for preparing such an in-depth study, the authors state that "the real Dan Quayle remains largely unknown" (p. 10) and they seek to undo that failure. Have they succeeded?

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In the obvious sense, they have succeeded because *The Man Who Would Be President* gives a fair picture of the former vice president. Both his strengths and weaknesses are reasonably portrayed. His strengths as a politician and vice president will come as a great surprise to those who have had to rely on the press for their information; those who know him from more reliable sources will not find his weaknesses unreasonably displayed. As one who worked for him for eight years, I would cavil with some details, particularly in the first chapter, in which the authors give too much credit to Quayle for securing George Bush's nod. One can quarrel with some of the judgments and dispute a few facts and omissions, but I can unreservedly recommend this work to any who are interested in finding out about the real Dan Quayle. While it contains little about Quayle's Senate career, that deficiency can easily be remedied by consulting Richard Fenno's study *The Making of a Senator: Dan Quayle* (1989). Interestingly enough, that work was also designed to make known to the public a figure who was still unknown after the 1988 campaign but nonetheless remained so.

In a broader sense, Woodward and Broder have not succeeded in dispelling public ignorance of the vice president, and this failure poses a troubling question. Why did the vice president remain America's most ridiculed and underrated politician? The press and the public had available a complete and balanced account of the former vice president written by a respected academic and by two renowned journalists who cannot be suspected of bias on his behalf. If the object of this work was to correct the public's estimate of Dan Quayle, it cannot be labeled a success. The portrayal of Quayle did not significantly change in the popular media, and the public at large probably had no better understanding of Dan Quayle at the end of the 1992 campaign than it did after the 1988 campaign.

This is a troubling conclusion, because we are not concerned with the merits of this particular book but with a deficiency in the democratic process in the United States. The people, as George Carville eloquently says, cannot act on information that they do not have. It is clear that they did not have adequate information on the man who used to be vice president. That is an issue of the past, but the failure of press and television to disseminate accurate information must remain a concern for anyone who believes that an informed electorate is the foundation of democracy.

ROBERT M. GUTTMAN
Washington, DC

The Power of Presidential Ideologies *by Dennis Florig. Westport, CT, Praeger Publishers, 1992. 328 pp. $49.95.*

"The words and ideas of presidents matter," Dennis Florig asserts in the introduction to his book. They certainly do, as other authors (Jeffrey Tulis, David McKay, Mary Stuckey, et al.) have similarly contended in recently published works.

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According to Florig, presidential words and ideas matter most when they are employed in the service of an ideology, a set of philosophical beliefs that legitimate a president's actions and orient future public discourse.

In the first several chapters of *The Power of Presidential Ideologies*, Florig describes constellations of American thought about the economy, foreign affairs, and social issues. With regard to the economy, for example, we are told that politically significant divisions exist among the advocates of, from "left" to "right," social democracy, social security, interest group liberalism, and laissez-faire. Laissez-faire advocates wish to restore order to the polity, democratic socialists seek a new order, while those in the middle two categories are content with existing power arrangements. This, many readers will find, is a perfectly sensible description of American ideological currents. But what is the point?

Florig does not claim to offer in this book new facts about presidents or ideologies. His research is in fact extraordinarily thin. In Chapter 12, for instance, Florig purports to analyze the impact of ideology upon economic policy and performance from 1981 through 1992, but finds it necessary to cite only three sources: one edition of the *Congressional Quarterly Weekly Report*, one volume of the *Congressional Quarterly Almanac*, and the memoirs of David Stockman. Perhaps, then, the point of the endeavor is to offer theoretical insights into the interaction of beliefs and outcomes in presidential politics.

Unfortunately, the book offers little in this direction either. After setting forth his account of American belief systems, Florig devotes the remainder of his volume to a recitation of well-known episodes in U.S. history: The New Deal was an era of activist government. FDR was not certain just what it was he was doing, but he legitimated a new, affirmative role for the government in the economy and for the president in the government. The post-World War II conservative coalition consolidated many of the achievements of the Roosevelt years, but was opposed to their expansion. To these and a host of other familiar shifts in policy and rhetoric Florig attaches the labels from the opening chapters of his work. Thus we are reminded that the ideological center exerted a pull upon the rhetoric and initiatives of the Reagan administration in its second term and that President Richard Nixon was ideologically confused.

Florig's analysis raises theoretically significant questions: Does every president have an ideology? If not, is there any pattern to the appearance/disappearance of ideology in presidential politics? Have the vastly documented changes in the American party system since the 1960s had an impact on the power of presidential ideologies? The reader will search in vain for answers to such questions in this volume. Nevertheless, *The Power of Presidential Ideologies* could profitably be read for its prose outline of some important shifts in presidential policy and rhetoric over the course of the modern presidency.

THOMAS S. LANGSTON
Tulane University

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Linking Citizens to Government: Interest Group Politics at Common Cause *by Lawrence S. Rothenberg. New York, Cambridge University Press, 1992. 306 pp. Cloth, $59.95; paper, $18.95.*

Anyone who has been paying attention to the literature in the past couple of years cannot have escaped noticing the increasing scholarly attention to the subject of interest group politics. Long a somewhat dormant field of research, it now has attracted a new wave of investigators eager to try their hand at answering long-standing questions. Lawrence Rothenberg's contribution to this effort sets for itself no less ambition than "developing and applying an *integrated perspective on organizations*" (emphasis in original, p. 5). Rothenberg proposes to fashion such a perspective by examining Common Cause, the citizens' group. Relying heavily on the 1,200 responses by Common Cause members to a mail survey conducted in 1981 by Jonathon Siegel, an "old graduate school friend" of his, Rothenberg focuses our attention once again on a familiar and important set of questions.

Rothenberg's integrated perspective involves analyzing the organizational process from the bottom up, starting with questions about membership and activism: Why do members join a group? Of those who stay in the group, why do some become activists, giving more of their time or money to the group than other members who remain in the rank and file? He then moves on to other questions: How do the relationships among activists, organizational leaders, and rank-and-file members lead to decisions about organizational goals and lobbying approaches? How is the lobbying impact of a group related to the nature of its membership?

Scholars no doubt will have mixed opinions as to how successfully he answers such questions. The disagreements will stem from the fact that Rothenberg applies a "political economy" orientation that, he says, "provides a view of organizations that is not only parsimonious but makes much about them intuitive and explicable" (p. 12). Scholars persuaded of the utility of applying economic ways of thinking to political matters will no doubt be refreshed by Rothenberg's answers to the familiar roster of questions about interest group activism. Others of a less charitable or open mind will remain unconvinced of the power of his answers, which will seem too parsimonious, too intuitively appealing, even tautological. For example: Who joins? Politically interested people whose policy preferences are in synch with those of Common Cause. Who among them will retain membership and, indeed, choose higher levels of activism in the organization? Those whose experience leads them to believe that activism is worth it to them. These are simplifications (not caricatures) of Rothenberg's admittedly rich and complicated arguments. All the intellectual gymnastics that get him to these conclusions will leave many readers unimpressed, as will the conclusions themselves.

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But even if this book will fail to please every segment of its potential audience, Rothenberg makes some genuine contributions. He teases from his data interesting insights about group activists, the incentives they respond to, and their role in the organization. Perhaps the strongest chapters of the book are those having to do with the internal dynamics and politics of Common Cause—how it decides what issues and policy goals to pursue and how its lobbying impact is related to the nature of its memberships. He explores these questions through interesting case studies of Common Cause's efforts on the MX missile system and on its staple issue of campaign finance reform. How generalizable his findings are to other organizations will be disputed.

Ultimately, the value of this book will not be judged by Rothenberg's political economy colleagues but by scholars in the interest group field, which is still dominated by those who (for better or worse) hew to more traditional approaches to the study of interest group politics. Even the gentlest among them will be compelled to ask "Where has he been?" when they encounter his claim that this book constitutes "a recommendation for bringing interest groups fully back into the picture as a constituent unit in the study of politics" (p. 5). The problem with this book—and it is unfortunately typical of so much of the other work from the political economy orientation—is that it ignores much of what has come before it and the realities of the world around it; it reinvents the wheel and proclaims it remarkable.

JOHN T. TIERNEY
Boston College

The Persian Gulf War *by Douglas Kellner. Boulder, CO, Westview Press, 1992. 460 pp. Cloth, $55.00; paper, $19.95.*

The Persian Gulf conflict of 1990–1991 was America's first full-fledged television war and the country's first censored one. The interventions in Granada (1983) and in Panama (1989) were merely dress rehearsals for the press censorship that the U.S. military later imposed in the Gulf. The news media's coverage during the months leading up to the war and during the war itself became an issue and the subject of journalistic self-examination and political inquiry even before the last shot was fired.

Douglas Kellner's book is a lengthy examination of how the leading news organizations covered the pre-war, war, and postwar periods of the conflict. Kellner focuses on the coverage of the television networks (ABC, CBS, CNN, NBC) and to a lesser extent on leading newspapers and news magazines. In the author's view "[t]here was no single reason why the United States relentlessly pursued the military option in the crisis of the Gulf" (p. 37). He then proceeds to present selectively evidence for "the mainstream media's complicity with the U.S. government policies in the Gulf war . . ." (p. 2).

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Kellner's criticism of the media is not unfounded. Inspite of conservative critics' attacks on the war coverage and on "unpatriotic" journalists, especially Peter Arnett's reporting from Baghdad, the news media were inhibited by strict censorship and relied on military briefings and other official information for most of their news from the theater of war. Moreover, the press strongly favored administration officials and the golden triangle beats (the White House, Pentagon, State Department) over other domestic news sources. It was far more editorially supportive than critical of President George Bush's policies; consequently it contributed to several rallies round-the-flag by the public.

The author touches on these and other serious reporting problems, which are not peculiar to but are more readily recognizable in crisis coverage including the symbiotic relationship between press and administration officials: the president's access to the media when he chooses to go public; the fourth estate's western-centric attitudes; the dangers of corporate media ownership and interlocking directorates; and the effect of the media on public opinion.

But these and other critical themes are rarely further explored. Because of the normative mission of the book, the author's selectively presented evidence is an unending, caustic indictment of the mainstream corporate media for lacking autonomy from political and corporate power elites. Aware that domestic elites (members of Congress, military experts, columnists, editorial page editors) were not of one mind during the crisis, Kellner utilizes a hegemony model of the media that reflects disagreement among mainstream actors. But throughout his critique he describes the media primarily as instruments of the ruling circles in the political and corporate realm. He highlights media content that supports the instrumental approach and downplays or ignores the features of news coverage that reveal a relatively open mass-mediated foreign policy debate, especially in the period from early November 1990 to mid-January 1991.

In an interesting passage the author discusses what he considers the kind of "Warspeak that glorified and sanitized the actions of the U.S.-led allied forces (the use of words like eliminate, neutralize, loyal, brave, cautious, etc.) and vilified the Iraqi side (kill, fire wildly, cowardly, brainwashed, fanatic, etc.) Here, as in many other respects, Kellner is right on target in identifying the media's incident-specific as well as fundamental shortcomings.

While presenting a great deal of interesting material, the book tends to be as lopsided as the media slant it alleges. It is full of its own negative and repetitive labels for American officials (big lies, deceptions, fabrications, etc.) and the mainstream corporate media (cowardly, out of control, pushing stupid policy, etc.) without any counterparts in connection with the Iraqi side. Paradoxically, in tracing many of the very real and troublesome problems in the mainstream media's crisis coverage, the author relies heavily on the reporting of press organizations that constitute the core of the mainstream corporate media.

BRIGITTE L. NACOS
Columbia University

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The Origins of SDI, 1944–1983 *by Donald R. Baucom. Lawrence, University Press of Kansas, 1992. 256 pp. $29.95.*

Donald Baucom has done something that needed to be done by filling a glaring gap in the literature on U.S. strategic policy. He provides a nice history of the evolution of U.S. strategic policy meshed into the central narrative of how the concept of strategic defense developed over the four decades preceding Ronald Reagan's announcement of his Strategic Defense Initiative (SDI). This is a rich and satisfying treatment of the politics of strategic defense, not merely a dry rehash of the strategic debates.

The strength of Baucom's book is its broad historical perspective, something which is usually missing in accounts that treat SDI as if it suddenly appeared in the early 1980s. Though Baucom begins his analysis with the reaction to the V-2 missile in the 1940s and early concerns about constructing defenses against ballistic missiles, the bulk of the book focuses on the period after 1960. Throughout his discussion of the 1960s and 1970s, Baucom presents a highly readable account of developments in ABM technology, the various options available to U.S. policy makers, and competent overview of the evolving strategic environment. Highly technical issues are dealt with in a manner that should be accessible to all readers. The politics of strategic defenses, however, proves to be the most interesting part of the story, particularly the interaction of the scientific community, the military, and forces in Congress that supported and/or opposed strategic defenses. The reader gets an especially good feel for the maneuverings that led to Reagan's decision. Baucom's discussion of the politics of strategic defense prior to 1983 is a nice compliment to work on the politics of SDI after 1983, particularly Janne Nolan's *Guardians of the Arsenal* (1989).

The promotional material for Baucom's book tells us that it is not meant to be an evaluation of the Star Wars program, and Baucom is generally able to stick to the facts without offering judgment. Still, one senses throughout the book that Baucom was supportive of SDI. For example, his discussion of the supposed strategic dilemmas that gave rise to renewed demands for defenses—for example, the vulnerability of U.S. forces and the possibility of a Soviet first-strike capability—is a little uncritical. But the biases are subtle; for most of the book the author does an admirable job of keeping his own views under control while presenting both sides of the strategic defense debate, at least until the very end.

In his epilogue Baucom's true colors show. We are told, for example, that Reagan's SDI decision was "arguably . . . a wise one" (p. 197). Among other things, it "defused the nuclear freeze movement" (p. 198). Furthermore, Baucom concludes that "Ronald Reagan's Strategic Defense Initiative contributed significantly to the West's triumph in Cold War (p. 200). This strikes me as a wild exaggeration. To argue that a single, undeployed weapon was a significant cause

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of one side's victory in an enduring geopolitical struggle is a stretch of interpretation. Certainly it made the Soviets more accommodating negotiating partners as their obsession with SDI led to greater concessions on offensive systems; nevertheless, the West's victory in the cold war was determined by deeper forces dealing with the strengths and weaknesses of the polities and economies of the East and West. The role of SDI or any other weapon was probably minimal.

Putting aside some of Baucom's more dubious final observations, which really are not central to the main purpose of the book, this is a valuable contribution to a surprisingly sparse literature on strategic defenses. The weaknesses of Baucom's book pale in comparison to its strengths. Skip the epilogue, but by all means read the rest.

KEITH SHIMKO
Purdue University

The Patriots' Revolution: How Eastern Europe Toppled Communism and Won Its Freedom *by Mark Frankland. Chicago, Ivan R. Dee, 1992. 384 pp. $26.95.*

Mark Frankland has written a colorful account of the 1989 revolutions in Eastern Europe and many of their roots. Striking images and insights capture the spirit of the times, as well as the hearts and minds of ordinary people, dissidents, and a few leading communists. However, rich and engaging though the book is, it does not develop a convincing explanation of the events it portrays. The author examines most of the key factors in the overthrow of communist rule, but does not pull them together beyond the generalization implied by the book's title.

Fortunately for the reader, Frankland's discussion of these countries and their actors is more nuanced and varied than the argument he makes about the "patriots' revolution"—that is, that these were instances of national communities with their own traditions reasserting themselves against Soviet domination. The author builds his theme with sketches from these countries, one of the most compelling of which is his opening portrait of a peasant poet observing the injustice of interwar society. He points out that these nations' pasts (hence their identities) were never far below the surface and were seen in the architecture of their cities as well as their individual and collective psyches. Although a couple of his sketches come dangerously close to national character stereotypes, the individual chapters are the strength of the book, containing the perceptions of a good journalist's eye.

The main problem with the book is that Frankland's studies are never integrated into a consistent analysis. The material is simply too rich to fit into what amounts to a unicausal argument. National identity clearly played an important role in the

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events of 1989, but the patriot argument leads the author to downplay other elements of the revolution that he himself examines. Most noticeably, even as Frankland discusses the urban guerrillas or dissidents, he has little to say about the role played by the rejection of the system of communist rule, per se, not just as an instrument of Soviet domination. Frankland's chapters on the ruling parties and the second economies of these countries are also insightful but, again, not well integrated into his thesis. Finally, there is something to be said for the argument implied by the title that the East European revolutions toppled (or at least helped to topple) communism not only at home but in the Soviet Union as well. Yet, that is an angle not examined in the book.

Scholars looking for a solid analysis of the 1989 revolutions will be disappointed with this effort and frustrated at the lack of footnotes. However, generalists seeking a window into the time and place of what was Eastern Europe will see a great deal. Unbalanced though his thesis may be, Frankland's book is more balanced than most of the wave of eye-witness accounts in allowing all sides a little heart.

BARBARA HICKS
University of North Carolina—Chapel Hill

Governors and Hard Times *edited by Thad Beyle. Washington, DC, Congressional Quarterly Press, 1992. 224 pp. Paper, $18.95.*

The governors of the 1980s hosted the party. The governors of the 1990s have the hangover. That's the new conventional wisdom about state government. But is it true? Not according to this collection of essays about the first months in power of ten governors of the 1990s. In fact, many of these chief executives are not engaged in a mere holding action. Rather they are seizing the opportunities presented by fiscal austerity to restructure state government as they downsize, redefining its role and redirecting its energies.

Governors who assumed power a decade ago entered the scene when the states—representative, competent, professional after the reforms of the 1960s and 1970s—came to center stage in the American federal system. Theirs were the exciting days of ample resources and daring policy innovation.

Ten years later, the old problems are still here, and there are a host of new ones. But prolonged national recession has meant that almost everywhere there is precious little money and precious little will in the electorate to provide more. Additionally, almost everywhere scandals in the legislative or executive branch have sapped the reputation of government and challenged its legitimacy. The consequence? Confidence that state government has answers is gone. Little wonder that the new governors of the 1990s came to power arguing that government

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itself was part of the problem, its basic systems not working, its program manifesting a voracious appetite for resources but few measurable results.

In his excellent introductory theoretical essay (and one that, incidentally, draws substantially on presidential scholarship) Robert Crew suggests that gubernatorial success is dependent on five factors: the governor's personality; skills and will; personal and political resources; the nature of the situation; and a strategic approach that results from the combination of these. Given the diversity of their personal backgrounds, ideologies, and experience, and the political, social, and economic diversity of their states, what seems remarkable when Crew's model is applied to the ten governors discussed in this book is the commonality in their strategic approaches.

Regardless of party or ideological bent, all the governors discussed here were proactive. All made "government as usual" the issue. All sought to cut spending to avoid taxes, or as a predicate to or concomitant of new taxes. All advocated restructuring or reorganization in some dimension. All sought changes in basic systems – for example, state personnel systems. And some, most notably Lawton Childs, the most creative and venturesome, pursued a substantially new paradigm for governing at the state level.

These commonalities are especially instructive when compared to the approach of another new governor of the 1990s not discussed in this volume, Jim Florio of New Jersey. Elected in 1989 in his second bid for the office, Florio went out and got from the legislature the money he needed to deliver the liberal agenda he promised during his election campaign. A firestorm of protest followed, a Republican legislature was elected, and some of the new taxes were rolled back soon after. Perhaps Florio's experience provided a negative reference point to his colleagues first elected in 1990 and 1991. If so, this across-state learning of political lessons would be worth knowing about and noting.

There are a number of additional themes in modern state gubernatorial politics that may be illustrated from the experiences chronicled in the essays in this book: the consequences of party decline and divided partisan control of state government; the apparent need that every new governor faces to assert himself or herself early vis à vis the legislature; and the reasons that intraparty gubernatorial transitions take on in some measure the look of interparty transfers of power. Additionally, there is a glimpse here of Republican leaders at work – Pete Wilson in California, William Weld in Massachusetts – who are developing records and approaches in their states that offer stark alternatives to the failed GOP approach in the 1992 presidential election.

Though not every essay in it is excellent, this is an informative collection, useful for keeping in touch with recent developments in the ten states covered and for undergraduate instruction on state government and the governorship.

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State University of New York

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Welfare, Ideology, and Need: Developing Perspectives on the Welfare State *by Martin Hewitt. Savage, MD, Barnes and Noble Books, 1992. $49.50.*

The basic premises of this book are sound: social programs have come under renewed attack from political conservatives; those attacks have forced scholars to rethink the political, social, and economic foundations of welfare states; and, whatever the future of social policy may hold, scholars need to investigate further the role of ideas and ideology. Recognizing a gap in the literature, Hewitt aims to explore the relationship between ideology and the welfare state in a way that will benefit students of social policy, politics, and sociology. This relationship is so poorly understood, he implies, that the most one can reasonably accomplish is a list of possible paths for future inquiry. Consequently, each chapter is best viewed as an essay designed to illustrate approaches one might adopt in rethinking and refortifying the welfare state.

Part I reviews the two major approaches to welfare in Great Britain, labeled Social Democratic and New Right. The former, associated with the writings of William Beveridge, T. H. Marshall, and Richard Titmuss, represented the consensus view from World War II until around 1980. Although there are important differences among these writers, which Hewitt ably describes, the notion of social citizenship lies at the heart of the Social Democratic approach. The latter and competing approach, signaled by the rise of Margaret Thatcher, threatens to transform citizens into consumers via an emphasis on markets. While Hewitt tends to play up this threat, referring to the "triumph of market-led policy" (p. 194), he also mentions important continuities in policy and in public support for social programs, thereby undercutting part of his argument. Nevertheless, this section is the strongest part of the book. It offers a concise intellectual history of the British welfare state and usefully blends abstract social theory with concrete developments in social policy.

Neither the Social Democratic nor the New Right approaches, Hewitt claims, provides much insight into the relationship between ideology and welfare. In Part II, he begins to search for alternatives by reviewing the works of James O'Connor, Ian Gough, Klaus Offe, and Jürgen Habermas. This territory has already been fairly well mapped. The common defect of these authors is supposedly their failure to provide a satisfactory account of the symbolic dimensions of ideology and need. Part III then reviews a "discourse approach to understanding the welfare state" (p. 128) based on the work of Louis Althusser, Michel Foucault, and the French psychoanalyst Jacques Lacan. Because the discourse approach is indeed foreign to students of social policy and because the central ideas are often opaque, Hewitt has a special obligation to the reader to indicate how one might employ this approach. Unfortunately, he does not. This section illustrates the difficulty of reaching the broad audience that the author envisions for this book. A stronger bridge between Part III and the rest of the book is needed.

A more serious problem concerns the apparent ease with which the author shifts between the British case and generalizations about all welfare states. Some

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readers may find it odd to think of a Social Democratic consensus in Britain or want evidence from additional countries before assessing the impact of the conservative challenge. Finally, while this book is exploratory, one could reasonably expect more direction. Too often the author summarizes academic debates without indicating how one might resolve or move beyond them. The book's main value is thus in starting a discussion of an important but neglected topic, a fair enough contribution.

CHRISTOPHER HOWARD
Simmons College

Combating Poverty: Innovative Social Reforms in Chile during the 1980s *by Tarsicio Castañeda. San Francisco, Institute for Contemporary Studies, 1992. 260 pp. Cloth, $34.95; paper, $14.95.*

Privatization has become an important world-wide phenomenon, and this book is an important contribution to our knowledge about it. Most people assume that privatization is relevant to loss-producing state-owned industrial sectors, but that the logic of the market is inapplicable to areas of traditional social responsibility. This book, which happily is not overly technical, challenges that assumption through the analysis of data on social policy experimentation in Chile. Castañeda analyzes policy change in five basic areas: education, health and nutrition programs, housing, social security, and municipal administration.

In the last two decades, Chile has achieved some of the most dramatic improvements in social indicators to be found in the developing world. That is one of many reasons that the social policy experience of Chile is of great interest to other Latin American countries today. The social gains are all the more remarkable, since they coincide, as Castañeda notes, with the likely worsening of the distribution of labor income during the 1970s and much of the 1980s.

A major purpose of privatization is to reduce fiscal pressures. Yet one startling fact that Castañeda unearths is that the size of government social spending in relation to national product under Augusto Pinochet was very similar to that under Salvador Allende. "As a percentage of GDP, government social spending averaged about 20 percent from 1982 to 1988, an average similar to that of 1971–73. This ratio is among the highest in Latin America and the developing world, comparable only to that of Costa Rica" (p. 9). The structure of government spending, however, as the author explains, was quite different, since public expenditure on health, housing, and education declined. At the same time, government spent heavily to provide emergency minimum employment during recessions beginning in 1975 and 1983. Another financial burden on government was pensions for retirees, because active workers massively chose to end their contributions to the public system in favor of contributions to new private pension plans.

In general, this work is sensitive to the political ramifications of economic policy change. There are places, however, where the economist-author's use of

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impersonal economic categories (in the view of this political scientist, at least) obscures the depth of political struggles over the new policies. Castañeda tells us that the Pinochet government was able to economize on public health and education budgets by paying lower salaries to public service workers in these fields. Or rather, he writes: "Any decline in real wages results in a decline in expenditures" (p. 9). This statement does not quite capture the widespread perception in Chile that the deterioration of public salaries was a purposeful policy and not the outcome of uncontrollable market forces. It would have been interesting to see a graph on the loss of purchasing power by civilian public employees. It will be even more interesting, however, to see how far Chile's democratic government is willing to go in reversing the marketization of public service workers' salaries. Officials are well aware that lower salaries in the public sector allow the government to deliver social services to more Chileans at lower fiscal cost.

One major goal behind the effort to privatize social services in Chile was to prevent leakage of public expenditure away from intended needy beneficiaries to politically powerful middle-income claimants. Castañeda demonstrates that marketization did indeed improve the concentration of social spending on the most needy, but he believes still more resources are needed to improve health and education for those at the bottom of the social pyramid. Here, there is a gap between a well-intentioned rational economic proposal and political feasibility. In the literature on social welfare policy, one of the main objections to targeting social expenditure is that by making substantial transfers to a smaller number of beneficiaries explicit, political support for social spending is more difficult to mobilize.

No single book can be expected to give the last word on a topic as complex and controversial as the privatization of social services. Nevertheless, Castañeda has produced an academic study of high quality that deserves attention.

RHODA RABKIN
Harvard University

Reviving the American Dream: The Economy, the States & the Federal Government *by Alice M. Rivlin. Washington, DC, The Brookings Institution, 1992. 196 pp. $15.95.*

Alice Rivlin has written another important book, one likely to draw extensive attention from American policy experts as well as a wider public interested in solutions to today's challenging problems of governance and economic welfare. Rivlin, distinguished economist, first director of the Congressional Budget Office and currently deputy director of the Office of Budget and Management, writes with balance, perspective, and pragmatism as she addresses an exceedingly broad range of issues currently facing the nation. The lucidity of her prose renders this volume quite accessible, and it has been carefully written by a "fanatical,

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card-carrying middle-of-the-roader" (p. 4) to catch the attention of interested readers of varied political persuasions. Indeed, the book's dust jacket carries bipartisan endorsements from several prominent American political leaders.

In seeking a route toward the revival of the "American dream," as the book's title unabashedly puts the subject, Rivlin examines several of the tough economic and political questions facing this country and offers a number of straightforward recommendations that, if adopted, would require significant changes in the allocation of responsibilities within the American political order.

The argument of the book, broadly stated, is that careful investigation by academic and private-sector analysts has produced a widespread and growing consensus about what should be done to improve American economic performance, by which is meant "sustainable and widely shared growth in the standard of living" (p. 32). The consensus view, which Rivlin supports, includes increased public and private investment, reduction in the deficit, and health care reform. However, she argues, a confusing and excessively complex political system has been incapable thus far of acting on these issues, thus also engendering widespread frustration and cynicism by citizens.

The intriguing explanation she offers has little to do political action committees or the roles of the nation's political parties, and everything to do with the distribution of policy responsibilities in late-twentieth century America. The book sketches the development of an overburdened national government, which assumed greatly increased domestic responsibilities from the states during successive crises and challenges since the Depression and now must cope with the demands of global interdependence in the post-cold war era. The core recommendation flowing from this analysis is a division of responsibilities between national and state governments.

Rivlin's proposals, which are examined in detail in the volume, include having the newly resurgent states assume the primary role in public investment on matters like infrastructure and education, as well as for many economic development and social service tasks. The national government would then be energized to concentrate policy and budgetary effort on its new worldwide obligations and the provision of health care: both basic insurance and cost containment. Common taxes shared between levels would be collected on a formula basis, and the national government could then set a reasonable goal of overall federal budget surplus. The author argues that this set of initiatives would be likely to produce both the requisites for economic improvements and, as a byproduct, a restoration of general confidence in the political system.

Some may challenge Rivlin's assessment of the root causes of the nation's politicoeconomic malaise, while others might question the feasibility of some of the reforms she advances on issues ranging from taxation to revisions in the social security program. But in its novel treatment of the venerable question of federalism and its perceptive and lively evaluation of dozens of policy options, this book makes a twofold contribution: it offers a coherent set of recommenda-

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tions that deserve serious consideration in the policy community, and it also may make a more direct and welcome contribution to demystifying the policy process for others.

LAURENCE J. O'TOOLE, JR.
The University of Georgia

The End of Equality *by Mickey Kaus. New York, Basic Books, 1992. 293 pp. $25.00.*

In an attempt to redefine liberalism and reinvigorate its much-maligned proponents, Mickey Kaus proposes to strengthen what he calls "civic liberalism in America." Kaus suggests that too many liberals today are obsessed with "money equality" (closing the income gap between rich and poor), even though this particular form of inequality is both inevitable and in the long run valuable to the well-being of a capitalist, democratic society. Kaus cites what he calls the increasing social inequality in American life since World War II—class polarization evident in the armed forces, in formal education, and in public spaces (like parks). His solutions include the founding of new public institutions and the rebuilding of old ones so that all Americans might enjoy a form of civic equality all but ignored by the so-called money liberals—an egalitarian military draft; a political process more open to the people and less driven by expensive technology and big contributors; and national health-care and child-care systems.

The cornerstone of Kaus's program is a New Deal WPA-like public jobs program for all (or rather, almost all) able-bodied adults. Guaranteeing everyone a job would, he writes, "make work the prerequisite of full citizenship" (p. 140). As work replaces welfare, the poor might regain their dignity and self-respect, and a paralyzing form of individual dependency, the defining characteristic of ghetto culture, would fade away.

To advance his program of civic liberalism, Kaus must rely on a strawman of sorts; today, few of even the most rabid money liberals argue in favor of complete economic equality among all Americans. In late twentieth-century America, most proposals for and policies related to income distribution are piecemeal, modest, and hardly the threat to civil order that Kaus implies.

Unfortunately, when Kaus conflates two groups—the poor and African-Americans—he perpetuates the stereotype of the northern inner-city ghetto as the exclusive locus of economic distress in America today. In fact, the white poor outnumber the black poor by a ratio of two to one. In a chapter on "Welfare and the Underclass Threat, Kaus suggests that the poor are predatory, inflicting "economic and social wounds" (p. 168) on the rest of society. Indeed, according to this schema, it is the wealthy who are the victims, hounded by "the poorer who want to get more at the expense of the richer" (p. 168).

Kaus's analysis rests on theoretical assumptions that can only be described as

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ahistorical. Most women, blacks, Catholics, and Jews would be surprised to hear the pre-1965 era described as a Golden Age of Civic Equality. Not all readers will share Kaus's assessment that the 1950s and early 1960s truly constitute the "Wonder Years" (p. 33). Moreover, he shows little interest in analyzing the job structure of distressed communities and the worldwide economic changes that have transformed them over the last three decades.

Kaus's public works program fails to take into account a sexual division of labor that assigns women basic child care and domestic duties and then alternately glorifies or demeans different groups of women who perform those duties. On the one hand, Kaus ridicules black women AFDC (Aid to Families with Dependent Children) recipients as nonworkers; on the other hand, he ignores homemakers who have the financial resources to stay home fulltime with their children. Constituting a much larger proportion of the American population than AFDC recipients, this latter group too is dependent (on husbands), able-bodied, and outside the paid labor force. If work (that is, paid work) is the prerequisite for full citizenship, then presumably middle-class housewives should be forced into the labor market as well, forced to show some initiative, and forced to abandon their (supposedly) nonproductive, parasitical ways.

JACQUELINE JONES
Brandeis University

The Crisis of Socialism in Europe *edited by Christiane Lemke and Gary Marks. Durham, NC, Duke University Press, 1992. 253 pp. Cloth, $39.95; paper, $14.95.*

Is socialism a dead issue in Europe? Many would respond in the affirmative. Their evidence is usually drawn from recent developments in the eastern and western halves of Europe. Just as state socialism collapsed in Eastern Europe in 1989 and was replaced by competitive political orders producing in most cases governments dominated by the right, so socialist parties in the West, beginning in the 1980s, began to have a harder and harder time doing what they needed to do to prosper – that is, mobilize public support, dominate the debate over reform, and generate policies in keeping with the challenges offered by neoliberal economic policies and European unification. European socialism, in short, seems to have lost its appeals and its bearings.

The purpose of the volume under review here is to evaluate the validity of this widespread presumption. The introductory chapter by Christiane Lemke and Gary Marks lays out the major issues involved in evaluating the future of socialism in Europe. What follows is an excellent essay by Geoff Eley. His major concern is to broaden our understanding of socialism today by looking at the current situation through the lenses of the historical development of socialism.

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He concludes that there are considerable opportunities for an invigorated socialist agenda.

The next three essays deal with the collapse of state socialism in Eastern Europe. Norman Naimark reminds us (and his colleagues in Eastern Europe) that the foundations of socialism in the East cannot be reduced to the imposition of Soviet power. Rather, what also matters is the support for socialist revolution and for socialism created by the experiences of the interwar period and World War II itself. Sharon Wolchik addresses two issues: why did state socialism fail, and what is the future of socialism in the eastern half of Europe? Her answer to the first question is that state socialism failed at the two tasks it had to perform: credible economic performance and creation of a culture supportive of and controlled by Communist party hegemony. Her answer to the second question is that one cannot predict the future of socialism in Eastern Europe. This is primarily because too much is in transition today to make sound judgments about the future. Finally, Ivan and Szonja Szelenyi analyze the first postcommunist parliamentary election held in Hungary in March 1990. They note, among other things, the fact that the election went against social democrats, yet the culture of Hungary is social democratic.

The next three essays (by Wolfgang Merkel, Andrei S. Markovits, and Herbert Kitschelt) concentrate on the Western European socialist experience. Merkel presents an impressive array of evidence to support his conclusion that socialist parties – as political competitors, as governors, and as policy makers – are hardly in the crisis many assume them to be. Markovits argues that the German Social Democrats are in fact in a crisis and that this reflects, among other things, the peculiar attachment of this party to "real socialism" in what was East Germany. Finally, Kitschelt concentrates on the ideological premises of the Western European left, arguing that these premises must be reexamined if the left is to recover its electoral appeal.

The final essay in the book is by Konrad Jarausch. He uses the earlier articles to draw the conclusion that socialism in Europe, particularly in the western half, is still a vibrant political force.

Two themes run throughout these essays. Socialism is far from dead, and the future of socialism cannot be determined without reference to both the country and the historical context.

VALERIE BUNCE
Cornell University

Property, Power and American Democracy *by David A. Schultz. New Brunswick, NJ, Transaction, 1992. 237 pp. $39.95.*

Originally a dissertation, this work deals with the status of property rights in American constitutional law and, more especially, the concept of eminent do-

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main. In alternating chapters, Schultz presents the views of contemporary conservative and liberal theorists. His own previously published articles in law journals are placed by Schultz himself on the left.

An initial chapter on American political theory convincingly argues that there were three major influences on the Founding Fathers with respect to property rights: the Lockean natural rights tradition, the James Harrington republican tradition, and the more pragmatic British legal tradition of William Blackstone. Schultz finds the latter dominant in American state courts from the beginning.

Those concerned with the problems of the cities will find this study very useful. The ability of state and local governments to seize private property in the name of eminent domain has expanded in recent decades, Schultz says. In the early days of the Republic, the taking of private property was usually reserved for a public purpose: roads, a government building. Now, however, private property is taken by government (Detroit, for example) from individuals (Poletown house owners) in order to benefit a private entity (General Motors) and ultimately to benefit the general public (jobs, tax base). Schultz worries that this 1981 case demonstrates not only that local government has gotten into bed with corporate America but that the federal courts are covering them with a blanket of protection. Schultz's lament that the confiscation of the private homes in the *Poletown* case did not in fact ultimately restore economic prosperity to Detroit seems naive, while his exculpation of Mayor Coleman Young seems merely politically correct, particularly in view of his bashing of the mayor of Binghamton, New York in a similar case.

In the 1986 Binghamton case, Schultz complains that "recent federal and state court decisions made it de facto and perhaps de jure impossible to raise a public use question in a New York court" (p. 107). He worries that minority homeowners are now to be pushed aside by broader corporate or public interests because they lack the power to influence public opinion and thus legislatures. One wishes that Schultz had considered the possibility that the media these days is especially sensitive to the concerns of minorities and that legislatures listen with great attention to minority concerns because of this.

The problem of sports franchises (*Oakland Raiders*) as a new form of private property is also discussed here. Can government trample property rights in such a case to "help" the public in a given city? The *Midkiff* decision, which involves a 1967 Hawaii reform aimed at reducing the land monopoly of a handful of owners, produced a doctrine that there is ultimately no judicial protection against legislative control over private property—worrisome even to Schultz, as well as to conservatives who see private property as essential to individual liberty and a bulwark against the socialist state.

In a chapter on the "Rise, Fall, and Rise of Property Rights," Schultz thinks he senses a conservative majority on the Supreme Court, led in this as in most areas by Justice Antonin Scalia, reinvigorating the nineteenth-century conception of sacred property rights. While Schultz is skeptical that this ultimately is good,

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his perception in any event can now be seen as incorrect in view of the Clinton presidency and the certainty that Congress will now create a slew of long-needed new federal judgeships and that they will be filled with liberal judges.

WILLIAM J. PARENTE
University of Scranton

Common Knowledge: News and the Construction of Political Meaning *by W. Russell Neuman, Marion R. Just, and Ann N. Crigler. Chicago, University of Chicago Press, 1992. 172 pp. Cloth $29.95; paper, $10.95.*

Television news has long been a whipping boy for researchers concerned about low levels of citizen interest in and knowledge about politics. Drawing on a strong multimodal research design that combined content analyses, surveys, experiments, and indepth interviews, the authors of this book offer evidence to challenge established notions about the supposed inferiority of television as an information medium.

The study utilized approximately 1,300 citizens recruited at a shopping mall in Massachusetts and focused on five news topics selected to include a range from the technical and remote to the immediate and personal: racial politics in South Africa, debate over the Strategic Defense Initiative, AIDS, the stock market crash of 1987, and drug abuse. News coverage of these topics was gauged through an extensive content analysis. For the experiments to assess citizen learning from the media, the authors chose two news stories for each topic. Parallel stories tied to the same news event or peg were selected from each of three major media: national television news, the *Boston Globe*, and national news magazines. The parallel stories from each medium contained the same factual information. To test the possible effects of mode of transmission, the television news stories were transcribed and used to create mock newspaper and news magazine stories, so that the content (except for the television visuals) was identical across the three modes. Prior to reading or viewing the news stories, the experimental subjects' cognitive ability, prior level of knowledge and interest in the topics, level of attention to the media, and demographic characteristics were measured. After reading or watching the news stories, their knowledge of the issue was measured again to determine what they had learned.

The results were surprising and contradict most of the conventional wisdom and published research about the differential effects of print and broadcast media. First, while prior levels of issue knowledge (before the experiments) were higher for individuals who relied more on newspapers than on television, this difference was almost entirely a result of the greater cognitive ability of the newspaper readers. Second, the experiments showed that citizens with average cognitive ability actually learned *more* from the television stories than from

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newspaper stories. News magazines also did well in imparting information, suggesting that newspapers' disadvantage was not simply a result of citizens' difficulty absorbing printed material. Third, the modality experiments (using the television text of the story in all three media) suggested that a key to the audience's learning from television is not its visual impact but rather the characteristic structure of the TV news story, with its emphasis on framing at the beginning and its use of themes to organize the information. Newspaper stories, which present a great deal of factual information at the beginning of stories (following the inverted pyramid formula) are apparently more difficult to comprehend—especially for less cognitively skilled individuals.

This research design continues and extends the welcome trend in mass behavior research to use a combination of methods as an alternative to reliance on sample surveys. However, even though the experiments were well designed and involved a large sample of citizens, the conclusions about the effectiveness of different media rest upon only five issue areas and new stories tied to only ten specific events or news pegs. Consequently, the experiments need to be replicated with both a larger number of stories and a wider range of issues.

The book makes only a start towards its broader goal, described as development of a "constructionist" theory of mass political behavior. Nevertheless, its provocative findings on television news will prompt both communications scholars and journalists to reexamine their assumptions and methods.

SCOTT KEETER
Virginia Commonwealth University

Matters of Principle *by Mark Gittenstein, New York, Simon & Schuster, 1992. 356 pp. $23.00.*

As chief counsel to the Senate Judiciary Committee in 1987, which was also a job involving close political and personal ties to the committee chairman, Senator Joseph Biden, Mark Gittenstein was in a favored position to observe and evaluate the Senate's refusal to consent to the nomination of Judge Robert H. Bork to the Supreme Court of the United States. This is Gittenstein's account of the process leading to the Senate's rejection of Bork. It is inevitably an insider's story and one that defends not only the process, but also its outcome. It nevertheless appears to be as objective as possible under the circumstances, is crammed with detail (either Gittenstein has a remarkable memory or he preserved copious notes, including those of conversations), and thus provides an interesting and enlightening picture of the Senate's work on a difficult political, legal, and intellectual matter.

Many legal academics, including myself, participated in or at least followed very closely the debate over the Bork nomination. The Gittenstein book confirms

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the view that what went on in the Senate on both sides was for the most part principled and serious; that is the reason for the book's title, for Gittenstein clearly and consistently treats Bork himself as principled and serious (see, for example, page 12), as did his opponents in the Senate. What went on outside the Senate is, of course, another matter. The book recognizes that some of the public debate, in advertisements especially, was distorted by hyperbole, although I think it fair to say that at least from the point of view of the leading actors in the Senate that distortion had little effect. Bork himself takes a different view, set forth at length in his book, *The Tempting of America*, which should also be read for balance by those interested.

Inside the Senate, the civil liberties, civil rights, and women's issues groups that opposed Bork played virtually no public role and, according to Gittenstein, a relatively minor private one. The debate in committee and on the floor is described in full, and it was a debate over constitutional principle, with two major substantive components. One turned on the issue of unenumerated rights, specifically the right of married couples to use contraceptives and the right of women to reproductive choice during early pregnancy. Bork has over and over again criticized the opinions upholding these rights and their foundations in other earlier opinions, and he has had a principled reason to do so. But Biden particularly (along with others) is portrayed in the book as educating himself on that issue. In the end, he and others voted against the nomination because they believed (as have consistent majorities of the Supreme Court) that Bork's view that there were no constitutional constraints on state regulation of such matters was wrong and should not prevail.

The second component was related; does the Equal Protection Clause protect women against gender discrimination. Bork had long espoused the position that it does not, based on the history and intent of the clause—again a principled position. But even though he retreated from it to some degree in the hearings, it was not accepted by the majority of the committee or the Senate. Some senators, perhaps many, were also troubled by the judge's criticism of some decisions on racial issues, particularly that in *Shelly v. Kramer* (holding restrictive racial covenants unenforceable because of the Equal Protection Clause) and by his vigorous, almost intemperate, opposition in 1963 to the public accommodations title of the 1964 Civil Rights Act.

The factor that did distort or at least confuse the debate in the Senate was the effort by Bork's "handlers," as Gittenstein calls them, to portray the judge as a mainstream moderate constitutional scholar, when in fact all his intellectual strength and the reasons for his nomination in the first place lay in his hard-core, but principled disagreement with much of the Supreme Court's constitutional law making of recent decades. The book recounts the constant battle for Bork's image between the politically astute men reaching for the moderates—particularly Lloyd Cutler (a prominent Democrat) and former Senator Howard Baker (chief of staff in the White House)—and those arguing the true faith of constitutional

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revisionism. Neither side fully prevailed, but the judge the Senate voted down was the fully committed revisionist.

At the end of his book, Gittenstein has a chapter on the appointment of Justice Anthony Kennedy to the seat for which Bork was rejected and an epilogue on the controversial confirmation of Clarence Thomas. With respect to the former, the book is already importantly out of date. Kennedy's participation in the joint opinion of himself, Sandra Day O'Connor, and David Souter in *Planned Parenthood v. Casey* at the end of the October 1991 term, reaffirming the core of *Roe v. Wade*, shows an open-mindedness the like of which Bork's writings and testimony showed no sign. So do Kennedy's recent opinions with respect to the religious clauses of the First Amendment. As far as Thomas is concerned, of course, the evidence is not yet in.

BURKE MARSHALL
Yale Law School

Runoff Elections in the United States *by Charles S. Bulloch, III and Loch K. Johnson. Chapel Hill, The University of North Carolina Press, 1992. 206 pp. $32.50.*

Runoff elections have received much attention in recent years. Jesse Jackson made them an issue in his runs for the Democratic party's presidential nomination, contending that they hurt black chances for electoral success. The election of Evan Mecham in 1986 with 40 percent of the vote and his subsequent impeachment led the state of Arizona to introduce a runoff provision into their electoral codes. Most recently, the defeat of incumbent U.S. Senator Wyche Fowler in Georgia, after he barely failed to receive the necessary 50 percent of the vote in Georgia in a weather-related, unusually low turnout in a follow-up election, has renewed the debate over the value and impact of runoffs.

The runoff election was introduced as part of the package of reforms espoused by the Progressive movement. It was particularly welcomed by southern states as a way to solidify control by the white majority. Seventeen states eventually employed it, and at present twelve states (ten in the South) and a majority of the municipalities over 25,000 in the United States use it in some form. Most interestingly, since 1989 municipalities in the former U.S.S.R. have adopted it in the wake of the break-up of the one-party system and the electoral chaos that has followed.

Yet while their practical significance is great, runoff elections have received little attention from academicians. Possibly the most influential work in the area has been Cortez A. M. Ewing's 1953 book, *Primary Elections in the South*, which devoted a chapter to the topic.

The publication then of Charles S. Bulloch, III and Loch K. Johnson's *Runoff Elections in the United States* is most welcome. It is an outstanding treatment of

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the subject that combines a number of different data sources and perspectives in addressing the operations of the runoff and its political implications. In addition, the book is clearly written; the materials are well presented; and the intellectual clarity and quality of the analysis is outstanding.

The authors develop the political history of the runoff and the reasons given for its adoption. They then explore a series of questions. Among these are what conditions give rise to the adoption of the runoff; whether the runoff discriminates against the winner of the first election, incumbents, African Americans, women. Does the turnout drop in the second election and how does this affect the outcome? What is the impact of runoffs on the general election vote?

To answer these questions, the authors weave together an impressively eclectic and broad mix of research approaches and data sources. These include macrolevel analyses of aggregate data for individual states and levels of office (including a reanalysis using more advanced statistical techniques of Ewing's original data); survey enumerations of electoral structures and results at the city and county level taken from related studies; case studies (most notably, the experiences of New York City, the state of Arkansas, the experiment in North Carolina with lowering the threshold from 50 percent to 40 percent; judicial decisions and the argumentation supporting these; historical records and accounts; and newspaper articles. The principal focus is on congressional and state-level legislative and executive offices during the years 1970–1986, a period which yielded 1,222 runoff cases for analysis.

A few of the substantive conclusions are: about 10 percent of upper level races and 25 percent of all contested primaries end in runoffs. Second primaries were found mostly in gubernatorial races within the Democratic party and where no incumbent sought reelection. The front runner in the first primary usually won the runoff (although the success rate was considerably lower in gubernatorial and U.S. Senate contests), and incumbents also normally won, findings that contradict the popular wisdom on the subject. African American candidates did better at the local level than in federal or statewide runoffs. Women who won the first primary were overwhelming successful the second. Turnout is lower in runoff elections, most pronouncedly in the higher level contests. And runoff primaries did not appear to adversely affect the success rate of candidates in the general election, again a finding that goes against widely held assumptions.

Necessarily, the results are often qualified. Social science research is complex, much like the real world situations it attempts to describe and explain. The difficulty of acquiring adequate electoral data to test propositions in no small measure contributes to the limits to the universality of the conclusions. The political ramifications of runoff elections can be great. This book represents the most thorough study available. Fortunately, it is ably and imaginatively done. It makes a valued contribution to our political and academic discourse and should serve as the standard in the area for years to come.

WILLIAM CROTTY
Northwestern University

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Money Talks: Corporate PACs and Political Influence *by Dan Clawson, Alan Neustadtl, and Denise Scott. New York, Basic Books, 1992. 272 pp. $25.00.*

Point of view is everything here. The authors are sociologists, and they reflect a neo-Marxism or radical populism more common in their discipline than in political science. The assumption of a dominance of American politics and government by corporate power colors everything, and the colors are not pastel. Indeed, expansions on the central theme often muscle PACs (political action committees) and campaign finance aside for pages at a time.

Beyond such commitments and convictions, the book rests on a study of 309 corporate PACs and on interviews (38) or mailed surveys (55) with PAC officials of a subset of the 309. The authors quote liberally from their informants, and the result rings true. That is, the corporate PAC leaders here sound like the ones I've talked with, and the reality they describe is pretty much the reality that political scientists writing on campaign finance have seen. One sees a group of PAC executives largely committed to a pragmatic politics of legislative access but not very sure that all the money and effort leads to a great deal of influence.

The authors have in other words been true to their informers even when their information has not been what they wanted and/or expected to hear. And that's the nub of the problem; the interviewees are better observers of American politics than the authors. Of necessity, a great deal of spin control results, with the authors repeatedly trying to accommodate some uncongenial reality into the governing theory. In fact, the reader soon comes to the conclusion that there is no way to disprove the hypothesis of corporate power. For example, it turns out that there really isn't the coercion on corporate managers to ante into the corporation's PAC that the authors had expected. So? Corporate PACs, the authors write, are raising enough money now by remaining legit and will continue to do so "as long as business political dominance is not seriously challenged" (p. 42, italics removed). And in view of hegemonic business's ability to avoid public visibility and scrutiny, how does one explain the ample public airing of Charles Keating and his senatorial friends? It is "perhaps the exception that proves the rule" (p. 97).

Compounding the waywardness of interpretation is a certain lack of feel for, a lack of sophistication about, American politics generally and campaign finance in particular. In explaining the resistance of Senator Howard Metzenbaum to the hegemony of business, the authors suggest inter alia that the senator is "independently wealthy and does not need to rely on future employment by corporations" (p. 116). They never consider the possibility that Senator Metzenbaum might have guiding values or world views. To take another later example, explanations of the failures to reform congressional campaign finance refer only to the interest of incumbents to entrench themselves in office (p. 194). There is no suggestion that the politics of reform includes party differences or differences within them by the nature of states or congressional districts.

Ultimately (in the penultimate chapter) the authors do confront the chief opposing paradigm: the varieties of pluralism. Pluralists, however, will not easily

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recognize themselves amid the caricatures and straw persons (for example, ". . . pluralists sometimes seem to be arguing that the existence of a struggle proves it's an even contest," p. 123). Nor will they all delight in being called "business apologists" (p. 158). But the larger point is simply that after all of the discussion of the sources of business unity there is no real examination of the sources of business disunity or diversity. The authors are, indeed, surprised to note business unity within an industry despite competitive relationships in the market; but they fail to see the political conflict among industries, even among sectors within an industry.

As prose and presentation the book is lucid and accessible to the nonspecialist. Informality also reigns, but it is less the informality of relaxed scholarly discourse than the informality of discourse in Sociology 101. PACs are like the running backs in football who gain the yardage after the powerful business presence up front has cleared the opposition away. Nor is the argument subtle; a hypothetical polluter is named the "Loot-and-Pillage Corporation" (p. 103). And in the gaudiest analogy of them all, the modesty of PAC demands on the congressional recipients of their cash is compared to the man who tries (with expensive meals, etc.) to bed his date without proposing an explicit quid pro quo.

Nonetheless, the book jacket bears flattering words from two distinguished social scientists of the further left. The book will surely find its audience. In its single-minded pushing of the Governing Truth, however, it will also strike many readers as not a very good book. At the very least, gentle reader, *caveat emptor*.

FRANK J. SORAUF
University of Minnesota

Negotiating the Future: A Labor Perspective on American Business *by Barry Bluestone and Irving Bluestone. New York, Basic Books, 1992. 335 pp. $25.00.*

The coauthors are father and son. Irving (pere) served during and after the Walter Reuther vintage years with the United Auto Workers and was an early and strong advocate for labor-management cooperation. The book's central message is a partial update and strong reaffirmation of this principle, now dubbed the enterprise compact and based on models of codetermination mandating shared decision making between capital and labor, established first in postwar Germany, later in Sweden. Combining job security protection and a joint commitment to quality and profitability, the compact would eliminate the long-standing division of responsibility in American labor-management practice, which reserves to management exclusive decision-making power over product, method, investment, marketing, scheduling, the organization of work, and other factors, except when explicitly covered in the collective bargaining agreement.

Compacts like this, the authors argue, would become the central instrument in the restoration of standards of quality, productivity and competence, which

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U.S. business – in pursuit of short-run profits and weaker unions – steadily ceded to global competitors over the past two decades. A few firms have already begun to apply this lesson; among others, the authors cite favorably Weirton Steel, the GM-UAW Saturn project, the Textile/Clothing Technology Project sponsored by the Amalgamated Textile and Clothing Workers Union, and the agreement between the University of Hawaii and its Professional Assembly. Case studies of cooperation in both the private and public sectors are cited as evidence that cooperation can work, though the union role is not always clear.

The argument and the literature on which it relies reflects an earlier period in U.S. history, when it was rational to believe that major employers and unions had at last transcended the stage of perpetual adversarial confrontation and were in search of mutually respectful, constructive relationships – precisely the period when Irving (pere) played a central role with Reuther in urging the big three auto makers to join in this new era of enlightened self-interest. In reality, however, the necessary preconditions for building and extending these relationships have largely disappeared as a result of a range of factors that are well summarized in the first part of the book, which reflects and extends the earlier work by Barry (fils) analyzing the corporate-led deindustrialization of major sectors and geographic areas of the United States. Over the past two decades, with close support from the Reagan–Bush administrations, corporate America executed a unilateral annulment of the postwar social contract on which Reuther and others based their strategy of shared decision making and gain sharing. They assumed that large concentrations of corporate and financial power would be permitted to remain strong. In return, they would assure a steady supply of affordable, quality goods and services, adequate jobs with rising wages, respect for the right of workers to organize and negotiate, and a level of taxes adequate to meet the central obligations of government.

As the book itself documents well (chapter 3: "Goodby to the Glory Days" and chapter 4: "What Went Wrong?") each of these implicit conditions was repudiated as corporate America sought to assure short-term profits while destroying the foundations of American productive competence and productivity. The result has been a decisive shift in power, exemplified by unprecedented inequalities in the distribution of wealth and income, ever-higher levels of poverty, steady erosion of real wages and job security, and a major shift in the burden of taxes from the wealthy to the middle and working classes.

The authors appear to assume that given these results corporate America will see the errors of its ways and change them. The firms that have globalized – and profited – will reaffirm their commitment to the restoration of U.S. competitive standing: those who have acquired unprecedented levels of wealth and power will surrender part of their gains in the nation's interest; those with the most advantageous tax status will accept higher burdens and fairer tax shares.

The authors may expect the power of their argument to persuade corporate leaders to change their ways; I strongly doubt it. Power relations change when those without power acquire the necessary clout to affect the political process.

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Strong labor and popular movements built the political consensus for codetermination in Germany and Sweden. As it did decades earlier in Japan, capital won the struggle and will not relinquish its power and privileges until compelled to do so. On this question, regrettably, this book is silent.

SUMNER M. ROSEN
Columbia University

Islam and Democracy: Fear of the Modern World *by Fatima Mernissi. Reading, MA, Addison-Wesley, 1992. 195 pp. $24.95.*

This is a well crafted and well written book on an issue of primary concern for the Muslim world. Mernissi, a prominent Moroccan feminist, has been known for her incisive and iconoclastic critiques of the normative basis of Muslim society and its attitude toward women. This book is a departure from her earlier endeavors. Although still concerned with the plight of Muslim women, *Islam and Democracy* goes beyond gender relations to address the larger question of democratization. What makes this book all the more interesting is that it has been inspired by the Persian Gulf war. It exemplifies the new thinking in the Muslim world on social issues—thinking that grapples with the consequences of Desert Storm and yet gropes for a new democratic and just order in the wake of war.

For Mernissi the Gulf war is both a tragedy and a metaphor. A tragedy because it has complicated relations between Muslims and the West at a time when mutual understanding is crucial for both, and it has polarized Muslim societies between antiwestern fundamentalists and the pro-western ruling elite. In such a climate the sapling of democracy is not likely to grow roots. Echoes of Mernissi's argument can easily be heard in the ongoing crisis in Algeria. The war is a metaphor in that it symbolizes the inner conflicts of Muslim society—the struggle against oppression and for freedom and justice, which characterizes relations between the rulers and their subjects as well as those between the sexes.

If there is to be freedom and justice in the Muslim world, society must come to terms with both dimensions of the Gulf war. It must contend with its fear of the West and rise above the debilitating conflicts that have torn it asunder. To do so, Muslims must reinterpret their values and world views. Since these are largely expressed through the medium of religion, reinterpretation is largely a task of religious exegesis. Mernissi approaches this endeavor with great bravado in hope of exorcising Muslims of their fear of the West, freedom, social justice, and democracy. She deconstructs Muslim myths, reexamines the highlights of Islamic history, theology, and legal thought—a reformation of sorts—all with the aim of finding both the roots of prevalent Muslim attitudes and the means to encourage Muslims to embrace democracy. The result is a rich, original, and kaleidoscopic account of Islamic history and beliefs through which the author examines the nature of social conflicts and proposes ways of resolving them.

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In the process, Mernissi provides an insightful account of the roots of Islamic fundamentalism. More important, she frees Islam, the world civilization, from the clutches of narrow and restrictive fundamentalist thought; thus she lays the foundations of an all-encompassing solution to the Muslim debacle. Rather than succumb to the unbridled secularism of most critiques of fundamentalism, Mernissi contends with the place of Islam in Muslim society. She attempts to provide a balanced reading of Islam, one which avoids the theological and historical pitfalls that have produced fundamentalism and instead lends itself to creating a democratic order that is anchored in the indigenous culture. Mernissi's approach is no doubt contentious because more often than not it stretches the boundaries of Muslim religious sensibilities. Yet, it is also empathetic. Its contribution lies in initiating debate and dialogue, pointing the way to new exegetic possibilities, and creating hope for a way out of the current impasse.

Islam and Democracy is provocative, insightful, and informative. It is recommended to all those interested in democratization, the politics of Muslim societies, women's issues, and the Middle East policy of the United States.

S. V. R. NASR
University of San Diego

Politics and the Novel *by Irving Howe. New York, Columbia University Press, 1992. 273 pp. Cloth $30.00; paper $12.95.*

Time was when Howe's book, which first appeared in 1957, held a prominent place on secondary reading lists in undergraduate courses on the novel. Now the book has been reissued a third time, carrying a 1992 preface further updating the epilogue Howe added in 1986. In the aftermath of postmodernism and new historicism, feminism and Michel Foucault, how well has it worn? The answer is, not too badly, if one accepts the rather narrow definition of the political novel that Howe proposes.

It is his intention, Howe claims, to study "what can occur in the meeting between the novel as form and politics as ideology" (p. 8); yet in practice he restricts himself to a topic far more precise. In chronological order he examines classic European and American texts from the nineteenth and twentieth centuries that take government and revolution as central themes, works such as Marie-Henri Beyle Stendhal's *The Charterhouse of Parma*, Fyodor Dostoevsky's *The Possessed*, Joseph Conrad's *Under Western Eyes*, Henry James's *The Princess Casamassima*, André Malraux's *Man's Fate*, and George Orwell's *1984*. These are all political novels for Howe, by which he means "a novel in which the political ideas play a dominant role or in which the political milieu is the dominant setting" (p. 17). Howe argues that this sort of writing is animated by the tension between the novelist's task of portraying human behavior in all its detail and

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complexity, and the almost inevitably abstract quality of political discourse. The supreme challenge for the novelist, then, is "to make ideas or ideologies come to life . . . to become active characters in the political novel" (p. 21). The search for these qualities – for characters who are not afraid of big ideas and for authors who sense the power of such ideas to change the world – is what governs Howe's critical approach.

The result is short on close literary analysis (Howe admits in the preface that he wrote partially in reaction to the formalism of the New Critics) and short on the contextual reading of passages characteristic of new historicism. Rather, Howe concentrates on the motivations of novelists, the constraints of social class on both character and author, the reader's identification with the characters, and the author's search for a denouement expressing his (for these are all men) sense of the human costs of life in modern society. These traditional concerns contribute toward making this a very readable text, a lucid introduction to the authors, their influence on each other, and the impact they have made (up to 1957) on their audiences. Howe is given to magisterial generalizations – "most American novels that have dealt with politics have been unable to sustain the theme" (p. 161) – and his preoccupation with "quality" and "rank" often intrude. But at least he makes it clear what he values. Amid the "indispensable, inescapable clamor" of ideology (p. 234), he seeks humanity and hope, characters who will say, "I am a Marxist, too. But shut your eyes for a minute, listen to the earth, listen to your nerves" (p. 233).

But whose politics, whose novel, whose nerves? Those who would like to know about the politics of everyday life, in what Howe calls "settled" as opposed to "revolutionary" society, won't find much about Jane Austen, George Eliot, or even Charles Dickens here. Nor are the politics of black authors considered. Perhaps because they were recently published when Howe was writing, two of the greatest and most explicitly political American novels, which triumphantly meet Howe's criteria – Ralph Ellison's *Invisible Man* and Richard Wright's *Native Son* – go unmentioned here, even in the epilogue. Finally, only occasionally does Howe indicate that he is aware of how vast his topic really is and that public issues and private lives intermesh. In 1968 Adrienne Rich wrote, "*The moment when a feeling enters the body* / is political. This touch is political." Those who think that the personal *is* the political will not be satisfied here.

WILLIAM SHARPE
Barnard College

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REFERENCE BOOKS AND OTHER PUBLICATIONS OF INTEREST RECEIVED

The ABC Presidents: Conversation and Correspondence with the Presidents of Argentina, Brazil, and Chile *by Robert J. Alexander. Westport, CT, Greenwood Press, 1992. 336 pp. $45.00.*

Alternative Constitutions for the United States: A Documentary History *by Steven R. Boyd. Westport, CT, Greenwood Press, 1992. 308 pp. $55.00.*

Chambers Dictionary of Political Biography. *New York, Chambers Kingfisher Graham Publishers, Inc., 1992. 352 pp. $30.00.*

A Directory of U.S. Resources on the Rule of Law for the Independent States of the Former Soviet Union. *Washington, DC, United States Institute of Peace Press, 1992. 256 pp. Paper, $14.95.*

Herbert Hoover: A Bibliography *compiled by Patrick O'Brien. Westport, CT, Greenwood Press, 1993. 416 pp. $65.00.*

Political Leaders in Weimar Germany: A Biographical Study *by Peter D. Stachura, New York, Simon and Schuster, 1993. 230 pp. $45.00.*

Political Parties of the Americas, 1980s to 1990s: Canada, Latin America, and the West Indies *edited by Charles D. Ameringer. Westport, CT, Greenwood Press, 1993. 607 pp. $99.50.*

World Human Rights Guide: A Comprehensive, Up-To-Date Survey of the Human Rights Records of 104 Major Countries throughout the World, *3rd. ed., compiled by Charles Humana. New York, Oxford University Press, 1992. 396 pp. $35.00.*

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Correspondence

To the Editor:

I take strong exception to the tone and substance of Fred Thompson's review of my book, *Buildup: The Politics of Defense in the Reagan Era* (*PSQ* 107 [Fall 1992] 557–558). It advances several misinterpretations or distortions of the argument and substantive content and even uses insulting language instead of evidence to make its criticisms. I welcome thoughtful reviews. This was not one. My book, despite its faults, deserved better.

Thompson begins with a simplistic summary of the theoretical approach I take: that I see politics purely as a struggle for power in which policy proposals are "pawns" and national security policy a "by-product" of these struggles. The truth is that I make very careful and limited claims about the explanatory power of my version of domestic political realism. Thompson chooses to ignore all the qualifications. As part of this caricature Thompson writes that I "declare" myself to be a "disciple" of E. E. Schattschneider. Again, not true. I state in a footnote that "this approach draws upon . . . the insights from 'realist' democratic theory," and I list Schattschneider along with several other authors as having influenced this perspective. The false assertion that I claim to be a disciple leaves the reader with the impression that I am a slavish adherent to a single view of political action. I am not; and the book does not read that way.

Perhaps the most egregious distortion is Thompson's claim that I "treat the Reagan administration's claims of accomplishment in the field of military affairs with visible disdain." Thompson offers no evidence of this, and there is none. The only thing Thompson could be referring to is the not particularly controversial argument in the last chapter that perhaps the Reagan buildup (in particular, all the money spent) did not have much of an impact on war and peace in the world (Central America, Lebanon, Afghanistan, and the changes in the USSR). I make that point only to argue that, if true, then the Reagan buildup clearly had more of an effect at home than abroad. But Thompson concludes, instead, that I exhibit "bad manners" by dismissing the administration's accomplishments and that others more inclined to credit those policies "will probably interpret Wirls's manners as proof of bad scholarship." Based once again on a false premise, Thompson's prediction is an unprofessional insult.

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Finally, he argues that I miss the forest for the trees by looking at the formulation of policy "rather than at the policies themselves." Again, the book is not about military policy per se; it is about how domestic politics influences military policy and, more importantly, how in turn military policy affects American politics. Thompson simply does not recognize the latter purpose. I did not miss the forest; Thompson missed the point.

Compared to the review, few will read this letter. My hope is that careful readers of the reviews realized from its tone that the review, and perhaps not my book, is tendentious and unfair.

DANIEL WIRLS

Dr. Thompson replies:

Buildup is a fine book, and Daniel Wirls is justifiably proud of it. As I stated in my review, it is interesting, well-written, and entertaining. It is not, however, the carefully balanced academic tome Wirls makes it out to be in his letter. It is frequently provocative and occasionally exasperating.

I probably shouldn't have used the Medieval morality play as a metaphor for Wirls's Star Wars story—although it is consistent with the author's obvious sympathies. My demur would have been equally clear had I used instead the Hegelian dialectic, in which case nuclear deterrence would be the thesis, disarmament the antithesis, and Star Wars the synthesis. Frankly, I think this narrative structure gives too much weight to the peace movement. I am also uneasy about Wirls's apparent defiance of the canons of methodological individualism.

The same objections can be applied to Wirls's treatment of the military reform movement and perhaps even the Reagan administration. Wirls simply assumes that they were *the* major players in the defense policy drama. Where's the proof? What would it look like?

Does Wirls disdain the Reagan administration's putative accomplishments? To what he calls the $760 billion question—did the buildup make any difference in world politics, did the nation get its money's worth in terms of military might?—he answers, ". . . the buildup was wasteful and inefficient, often fraudulently so, . . . there was a yawning disparity between how much was paid and what was obtained," and it was irrelevant to many of our most important security concerns (p. 224). He doesn't defend these claims, however. Again, he simply asserts them as if they were obviously true.

Clearly, the capabilities of the American military increased between 1980 and 1990. Whether these changes made any difference in world politics or whether we got our money's worth are eminently debatable propositions. One problem with Wirls's position is that the buildup did not end in 1985, when new obligational authority peaked, but was by some measures just getting started. Deliveries of goods and services to the military, for example, increased through 1987 and

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were stable thereafter. The net military capital stock—existing stocks plus new deliveries of weapons and equipment less depreciation and wastage—was actually still falling in 1982, when deliveries finally caught up with and then passed depreciation. It continued to grow at least through 1990.

Finally, Wirls says that his book is about how domestic politics influences military policy and how military policy affects domestic politics. It seems to me that by domestic politics he primarily means the struggle for position and power that goes on among politicians. When I said that Wirls's "focus is arguably awry"—that he is looking "at the trees rather than the forest"—I was carping about this definition of politics. It's a valid definition, of course. But one can explain military spending without reference to these struggles and one might very easily believe that their outcomes are ultimately of little real significance.

FRED THOMPSON

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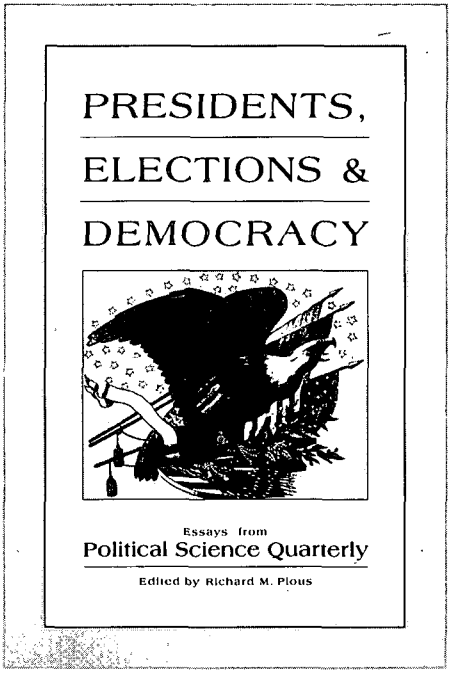

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